



February 14, 2001

HOUSE BILL No. 1418

DIGEST OF HB 1418 (Updated February 13, 2001 2:50 PM - DI 105)

Citations Affected: IC 15-2.1.

Synopsis: Animal health. Makes numerous changes to the laws concerning animal health, including: (1) adding and amending provisions concerning meat and poultry inspection and dairy inspection; (2) amending the laws to reflect changes in certain federal laws and the national tuberculosis and brucellosis eradication programs; (3) merging provisions concerning milk and milk products; (4) repealing obsolete provisions; and (5) making technical amendments.

Effective: July 1, 2001.

Leuck, Mangus

January 11, 2001, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.
February 13, 2001, reported — Do Pass.

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HB 1418—LS 7926/DI 69+



February 14, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1418

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 15-2.1-1-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. It is the purpose of
3 this article to promote and encourage the prevention, suppression,
4 control and eradication of infectious, contagious and communicable
5 diseases affecting:

6 (1) the health of ~~domestic~~ animals within ~~the state~~ **Indiana**; and

7 (2) **trade in animals and animal products in and from Indiana**.

8 SECTION 2. IC 15-2.1-1-2 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. It is the purpose of
10 this article to protect the agricultural public and all other persons who
11 might be damaged through the purchase, sale or exchange of ~~domestic~~
12 animals by means of fraud, deception, dishonesty or discrimination
13 arising out of the marketing of ~~domestic~~ animals.

14 SECTION 3. IC 15-2.1-1-4 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. It is the purpose of
16 this article to control and regulate the transportation over the highways
17 of this state and the disposal of the carcasses of dead animals not

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slaughtered and intended for human foods, and the disposal of the nonedible byproducts from the slaughtering of animals and poultry for human foods, to the end that the spread of ~~domestic~~ animal diseases in this state shall be controlled and also that the public health and welfare of the citizens of this state shall be conserved and protected against dangers, annoyances and nuisances that might arise from such carcasses and byproducts of slaughtering and from such transportation and disposal thereof if the same be not regulated by laws designed to effectuate such purposes and public policy.

SECTION 4. IC 15-2.1-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. It is the purpose of this article to control and regulate the sanitary and health conditions under which ~~domestic~~ animals are brought upon, consigned to, sold, bartered or exchanged through, or removed from, the premises of auction sale barns or community sales, to the end that the spread of animal diseases in this state shall be controlled and also that the public health and welfare of the citizens of this state shall be conserved and protected.

SECTION 5. IC 15-2.1-1-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 5.5. It is the purpose of this article to regulate the production, manufacture, processing, and distribution of products derived from animals to control health hazards that may threaten the public health and welfare of the citizens of Indiana or threaten trade in animals and animal products in and from Indiana.**

SECTION 6. IC 15-2.1-2-2.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 2.3. "Adulterated" means a food product that meets at least one (1) of the following circumstances:**

(1) If the product bears or contains a poisonous or deleterious substance that may make the product injurious to health. However, if the substance is not an added substance, the product is not considered adulterated under this subdivision if the quantity of the substance in or on the product does not ordinarily make the product injurious to health.

(2) If the product bears or contains any of the following:

(A) Any added poisonous or added deleterious substance that is unsafe within the meaning of section 406 of the federal Food, Drug and Cosmetic Act and the regulations adopted under that act.

(B) A pesticide chemical that is unsafe within the meaning



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of Section 408 of the federal Food, Drug and Cosmetic Act or the regulations adopted under that act.

(C) A food additive that is unsafe under Section 409 of the federal Food, Drug and Cosmetic Act or the regulations adopted under that act.

(D) A color additive that is unsafe under section 721 of the federal Food, Drug and Cosmetic Act or the regulations adopted under that act.

(E) A new animal drug (or conversion product thereof) that is unsafe within the meaning of section 512 of the federal Food, Drug and Cosmetic Act or the regulations adopted under that act.

However, a product that is not otherwise considered adulterated under clause (A), (B), (C), (D), or (E) is considered adulterated if use of the pesticide chemical, food additive, or color additive in or on the product is prohibited by rules of the board in food processing establishments.

(3) If the product consists in whole or in part of a filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food.

(4) If the product has been prepared, packed, or held under unsanitary conditions under which the product may have become contaminated with filth, or under which the product may have been made injurious to health.

(5) If the product is in whole or in part the product of an animal, including poultry, that has died otherwise than by slaughter.

(6) If the product's container is composed in whole or in part of a poisonous or deleterious substance that may make the contents injurious to health.

(7) If the product has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or an exemption in effect under the federal Food, Drug and Cosmetic Act.

(8) If:

(A) a valuable constituent has been in whole or in part omitted or abstracted from the product;

(B) a substance has been substituted wholly or in part for the product;

(C) damage or inferiority has been concealed in any manner; or

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(D) a substance has been added to the product or mixed or packed with the product to increase the product's bulk or weight, reduce the product's quality or strength, or make the product appear better or of greater value than the product is.

(9) If the product is oleomargarine or margarine containing animal fat and any of the raw material used in the product consisted in whole or in part of a filthy, putrid, or decomposed substance or is otherwise unfit for human food.

SECTION 7. IC 15-2.1-2-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 2.5. "Animal", for purposes of IC 15-2.1-16, means domestic or wild animals, including livestock and poultry.**

SECTION 8. IC 15-2.1-2-3.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 3.4. "Approved certificate of veterinary inspection" means an official health certificate or certificate of veterinary inspection that bears the approval of the chief livestock sanitary official of the state of origin.**

SECTION 9. IC 15-2.1-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 4. "Approved official health certificate" means an official health certificate or certificate of veterinary inspection bearing the approval of the chief livestock sanitary official of the state of origin.**

SECTION 10. IC 15-2.1-2-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 4.5. "Approved slaughtering establishment" means an establishment operating under the provisions of the federal Meat Inspection Act (21 U.S.C. 601 et seq.), the federal Poultry Products Inspection Act (21 U.S.C. 451 et seq.), or the Indiana Meat and Poultry Inspection Act (IC 15-2.1-24).**

SECTION 11. IC 15-2.1-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 5. "Livestock auction market" means an established place of business and contiguous surroundings, where domestic animals are consigned to be sold at public auction upon by the operator of the business as an agent for the consignor in exchange for a commission basis to be paid by the consignor. at which place the operator of the business acts as agent for consignor, and said place has been inspected and approved on the basis of maintaining minimum standards, in conformance with regulations**



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adopted by the board.

SECTION 12. IC 15-2.1-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. "Brucellosis" (commonly called abortion disease or Bang's disease) means a dangerous, communicable, and infectious disease in ~~domestic~~ animals caused by brucella organisms.

SECTION 13. IC 15-2.1-2-9.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9.2. "Bulk milk ~~hauler~~ **hauler/sampler**" means a person that **does the following:**

(1) Collects **official samples.**

(2) **May transport** raw ~~fluid~~ milk in bulk form. ~~for transportation~~

(3) **Transports milk to or from** a milk plant, receiving station, or transfer station.

SECTION 14. IC 15-2.1-2-9.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9.3. "**Bulk milk pickup tanker**" means a vehicle, including the truck, tank, and those appurtenances necessary for its use, used by a bulk milk **hauler/sampler to transport bulk raw milk for pasteurization from a dairy farm to a milk plant, receiving station, or transfer station.**

SECTION 15. IC 15-2.1-2-9.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9.4. "Bulk milk route" means a group of dairy farms from which milk is collected in a bulk milk ~~transport tank~~ **pickup tanker** and transported to a milk plant, receiving station, or transfer station. ~~by a bulk milk hauler.~~

SECTION 16. IC 15-2.1-2-9.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9.5. "Can milk hauler" or "cream hauler" ~~for purposes of IC 15-2.1-22,~~ means a person who transports raw fluid milk in cans to a milk plant, ~~or~~ receiving station, **or transfer station.**

SECTION 17. IC 15-2.1-2-9.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9.6. "Can milk ~~or cream~~ route" means a group of dairy farms from which milk ~~or cream~~ is collected in milk ~~or cream~~ cans and transported to a **milk plant,** receiving station, ~~by a can milk or cream hauler.~~ **or transfer station.**

SECTION 18. IC 15-2.1-2-9.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9.8. "Capable of use as human food" ~~applies to~~ **means** any livestock or poultry carcass or part or product of such a carcass, unless the carcass or part or product of the carcass is:

(1) denatured or otherwise identified as **not for human food** as required by rules ~~prescribed~~ **adopted** by the board to deter ~~its~~ use



as human food; or

(2) naturally inedible by humans.

SECTION 19. IC 15-2.1-2-9.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 9.9. "Certificate" and "certificate of veterinary inspection" means an official document issued by a state or federal representative or an accredited veterinarian that records a veterinary inspection of the animal, statements about the health of the animal, tests conducted on the animal, vaccinations given the animal, and other information about the animal and its movement that is required by a state or the United States to be recorded.**

SECTION 20. IC 15-2.1-2-10.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10.7. "Commerce" ~~for purposes of IC 15-2.1-24,~~ means commerce within Indiana.

SECTION 21. IC 15-2.1-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12. "Consignor" means any person consigning, shipping, or delivering ~~domestic~~ animals for sale, resale, or exchange, and includes any person who causes to be transported or who delivers ~~livestock animals~~ to a sale barn for the purpose of sale.

SECTION 22. IC 15-2.1-2-12.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12.7. "Dairy farm" means a place:

- (1) where at least one (1) cow, **sheep**, or goat is kept; and
- (2) from which a part or all of the milk or milk products ~~is that~~ **are produced** are provided, sold, or offered for sale to a milk plant, transfer station, or receiving station.

SECTION 23. IC 15-2.1-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 13. (a) "Dealer" means any person, unless otherwise specifically exempted or excluded by this article, who is engaged in the business of buying, selling, or negotiating the transfer of livestock either for processing into meat products in conjunction with the operation of a business enterprise or for the purpose of resale, transfer, or final disposition in any other manner. "Dealer" includes **market agencies**, stockyards, sale barns, auction markets, buying stations, and concentration points.

(b) "Dealer", for purposes of IC 15-2.1-24, means a person engaged in the business of buying or selling livestock products or poultry products on commission or otherwise negotiating purchases or sales of such articles other than for the dealer's own account or as an employee of another person.

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SECTION 24. IC 15-2.1-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. (a) "Disposal plant" means and includes any plant and all equipment thereof ~~described or referred to in chapter 16 of this article~~, that is constructed or intended to be operated for the disposal of the **following**:

(1) The bodies of dead animals not slaughtered and intended for human food. ~~or~~

(2) The nonedible byproducts from the slaughtering of animals ~~or~~ for **human food, including** the disposal of the body of any animal slaughtered for human food which has become unsuitable for such use. ~~or for~~

(3) The disposal of the bodies of dead poultry not suitable for human food, and of poultry byproducts, ~~consisting of~~ **including** the viscera, heads, ~~and~~ feet, and poultry feathers. ~~and shall also include~~

(b) **The term includes** all substations of any plant that are used in connection with such business ~~solely~~ for the temporary deposit of such bodies and nonedible byproducts ~~that are transported thereto by any licensee pending final delivery thereof to any disposal plant, and shall also include all vehicles and equipment thereof used by a licensee for the transportation of such bodies of and~~ nonedible byproducts.

SECTION 25. IC 15-2.1-2-16.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 16.2. "Establishment", for purposes of IC 15-2.1-24, means a building, part of a building, or other location used for slaughtering livestock or poultry or preparing meat or poultry, meat food products, and meat byproducts capable of use as human food.**

SECTION 26. IC 15-2.1-2-16.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 16.5. "Federal acts", **for purposes of IC 15-2.1-24,** means the following:

(1) The federal Meat Inspection Act (21 U.S.C. 601 et seq.).

(2) The federal Poultry Products Inspection Act (21 U.S.C. 451 et seq.).

SECTION 27. IC 15-2.1-2-16.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 16.7. "Federal Food, Drug and Cosmetic Act" means the federal Food, Drug and Cosmetic Act at 21 U.S.C. 301 et seq.**

SECTION 28. IC 15-2.1-2-19.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 19.7. "Food" means the**

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following:

(1) All articles used for food, drink, confectionary, or condiment whether simple, mixed, or compound.

(2) All substances or ingredients used in the preparation of the items described in subdivision (1).

SECTION 29. IC 15-2.1-2-20.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 20.5. "Grade A dry milk **and whey** products" means milk products that have been:

(1) produced for use in Grade A pasteurized **or aseptically processed** milk products; and

(2) manufactured under the provisions of the United States ~~Public Health Service~~ **Food and Drug Administration** "Grade A Condensed and Dry Milk Products ~~to recommended sanitation ordinance for~~ **Condensed and Dry Whey Supplement I to the Grade "A" Pasteurized Milk products used in Grade A pasteurized milk products". Ordinance**".

SECTION 30. IC 15-2.1-2-20.7 IS ADDED TO THE INDIANA CODE AS **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 20.7. "Grade A milk and milk products" means milk and milk products that meet the requirements for Grade A in IC 15-2.1-23 and in the rules adopted under IC 15-2.1-23.**

SECTION 31. IC 15-2.1-2-21.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 21.2. "Herd" means a group or groups of animals that are either:**

(1) **maintained on common ground; or**

(2) **geographically separated but under common ownership, supervision, or control.**

SECTION 32. IC 15-2.1-2-21.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 21.7. "Immediate container" means a ~~consumer~~ container, **receptacle, or other covering** in which **milk products**, livestock products, or poultry products ~~that are not consumer packaged are packed:~~ **are directly contained or wholly or partially enclosed.**

SECTION 33. IC 15-2.1-2-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 22. "Immediate slaughter" means that any ~~domestic~~ animal purchased or sold for ~~such purpose, except animals to immediate slaughter or for slaughter will~~ be slaughtered by the purchaser ~~himself, within seven (7) days of purchase or will be consigned to a recognized slaughtering an~~ establishment or to a properly licensed market facility for reconsignment to a ~~recognized slaughtering establishment and must not~~



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be within seven (7) days of acquiring the animal. The term does not include an animal that is diverted for any other purpose or use besides immediate slaughter.

SECTION 34. IC 15-2.1-2-23.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 23.1. "Inedible" means not suitable for human consumption.**

SECTION 35. IC 15-2.1-2-23.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 23.3. "Inspector" for purposes of IC 15-2.1-2-24, means an individual who is authorized by the state veterinarian board to perform any inspection functions under IC 15-2.1-2-24 this article and who is: meets one (1) of the following criteria:**

(1) a veterinarian who is:

(A) accredited by the American Veterinary Medical Association or licensed by the state; and

(B) approved and authorized by the state veterinarian to inspect and supervise the inspection of meat or poultry, meat food products, and meat byproducts in an official establishment for wholesomeness and freedom from disease;

(2) (1) The person is authorized by the state veterinarian to do any work or perform any duty in connection with the inspection of carcasses animals and food products for wholesomeness and freedom from disease; under this article.

(3) an official of the board authorized by the state veterinarian; or

(4) (2) The person is an employee or official of the government of the county or other governmental subdivision of this state acting under an agreement between the state veterinarian and a governmental subdivision.

SECTION 36. IC 15-2.1-2-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 24. "Laboratory" means the animal disease diagnostic laboratory established by IC 15-2.1-5-1 or any other laboratory approved by the board.**

SECTION 37. IC 15-2.1-2-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 26. "Licensed and accredited veterinarian" means a veterinarian licensed by any state and accredited by the United States department of agriculture under 9 CFR Subchapter J to perform official functions.**

SECTION 38. IC 15-2.1-2-27.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 27.4. "Livestock transaction", for purposes of IC 15-2.1-14, means the following:**



(1) For market agencies selling livestock on commission, the dollar value of livestock sold on commission.

(2) For market agencies buying on commission and dealers buying livestock, the dollar value of livestock purchased.

(3) For market agencies acting as a clearing agency, the dollar value of livestock purchased by all persons for whom the market agency served as a clearor.

SECTION 39. IC 15-2.1-2-27.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 27.6. "Manufacturing grade raw milk" means milk produced on a dairy farm that does not have a valid permit issued by the board to sell Grade A raw milk for pasteurization.**

SECTION 40. IC 15-2.1-2-27.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 27.7. "Manufacturing grade milk products" means dairy products that are not considered Grade A under IC 15-2.1-23 or under the rules adopted under IC 15-2.1-23.**

SECTION 41. IC 15-2.1-2-28.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 28.2. (a) "Meat food product" and "meat product" means a product capable of use as human food that is made wholly or in part from meat or other part of the carcass of cattle, sheep, swine, equines, bison, farm raised cervidae, ratitae, or goats.**

(b) The term does not include products that:

(1) contain meat or other parts of such carcasses only in a relatively small proportion; or

(2) historically have not been considered by consumers as products of the meat food industry; and

that are exempted from definition as a meat food product by the state veterinarian under conditions the state veterinarian prescribes to ensure that the meat or other parts of the carcass contained in the product are not adulterated and that such products are not represented as meat food products.

SECTION 42. IC 15-2.1-2-28.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 28.6. (a) "Milk distributor" means a person who offers for sale or sells milk or milk products to another person.**

(b) The term does not include the following:

(1) A store or market that receives and sells bottled or packaged milk and milk products in the original container or package to consumers.

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(2) A restaurant, soda fountain, or similar establishment serving milk or milk products.

SECTION 43. IC 15-2.1-2-28.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 28.7. (a) "Milk plant" means a place, a premises, or an establishment where milk or milk products are collected, handled, processed, stored, pasteurized, bottled, **aseptically processed, packaged,** or prepared for distribution.

(b) The term does not include soft ice cream dispensers in restaurants as defined by the board.

SECTION 44. IC 15-2.1-2-28.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 28.8. "Milk producer" means a person who does the following:

(1) Operates a dairy farm.

(2) Provides, sells, or offers **raw** milk for sale to a milk plant, receiving station, or transfer station.

SECTION 45. IC 15-2.1-2-28.9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 28.9. "Milk products" means those products designated by the rules of the board as:

(1) being within ~~IC 15-2.1-22~~ and IC 15-2.1-23; and

(2) conforming to the definitions and standards of identity specified in those rules.

SECTION 46. IC 15-2.1-2-29.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 29.1. "Milk tank truck" means a bulk milk pickup tanker or a milk transport tank.**

SECTION 47. IC 15-2.1-2-29.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 29.2. "Milk tank truck cleaning facility" means any place, premise, or establishment that is separate from a milk plant, receiving station, or transfer station where a milk tank truck is cleaned and sanitized.**

SECTION 48. IC 15-2.1-2-29.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 29.3. "Milk transport tank" means a vehicle, including the truck and tank, used by a bulk milk hauler/sampler to transport bulk shipments of milk from a milk plant, receiving station, or transfer station to another milk plant, receiving station, or transfer station.**

SECTION 49. IC 15-2.1-2-29.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 29.4. "Milk transportation company" means a person that is responsible for a milk tank truck.**



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SECTION 50. IC 15-2.1-2-29.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 29.7. "Misbranded" means a food product that meets at least one (1) of the following conditions:**

(1) If the product's labeling is false or misleading in any way.

(2) If the product is offered for sale under the name of another food.

(3) If the product is an imitation of another food, unless the product's label bears, in type of uniform size and prominence, the word "imitation" and immediately afterward, the name of the food imitated.

(4) If the product's container is made, formed, or filled in a manner that is misleading.

(5) If in packaged form, unless the product bears a label showing the following:

(A) The name and place of business of the manufacturer, packer, or distributor.

(B) An accurate statement of the quantity of the product in terms of weight, measure, or numerical count.

(6) If a word, statement, or other information required under this chapter or the rules adopted under this chapter to appear on the label or other labeling is not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) and in terms making it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(7) If the product purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by the rules of the board unless:

(A) the product conforms to the definition and standard; and

(B) the product's label bears the name of the food specified in the definition and standard and, as required by rules of the board, the common names of optional ingredients other than spices, flavoring, and coloring present in the food.

(8) If the product purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed by rules of the board and the product falls below the applicable standard of fill of container unless the label bears, in a manner and form that the rules specify, a statement that the product falls below that standard.



1 (9) If the product's label does not bear the following:

2 (A) The common or usual name of the food, if any.

3 (B) If the product is fabricated from at least two (2)
4 ingredients, the common or usual name of each ingredient.
5 However, spices, flavorings, and colorings may, when
6 authorized by the state veterinarian, be designated as
7 spices, flavorings, and colorings without naming each
8 ingredient.

9 (10) If the product purports to be or is represented for special
10 dietary uses, unless the product's label bears information
11 concerning the product's vitamin, mineral, and other dietary
12 properties that the board determines to be necessary to fully
13 inform purchasers of the product's value for such uses as set
14 forth in rules adopted by the board.

15 (11) If the product bears or contains artificial flavoring,
16 artificial coloring, or a chemical preservative, unless the
17 product bears labeling stating that fact.

18 (12) If the product fails to bear directly on the product and on
19 the product's containers, information the board prescribes by
20 rule, including an official mark, to ensure that the product
21 will not have false or misleading labeling and that the public
22 will be reasonably informed about the product.

23 SECTION 51. IC 15-2.1-2-31.3 IS ADDED TO THE INDIANA
24 CODE AS A NEW SECTION TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2001]: Sec. 31.3. "Official health certificate"
26 means an official document issued by a state or federal
27 representative or an accredited veterinarian that records a
28 veterinary inspection of the animal, statements about the health of
29 the animal, tests conducted on the animal, vaccinations given the
30 animal, and other information about the animal and its movement
31 that is required by a state or by the United States to be recorded.

32 SECTION 52. IC 15-2.1-2-31.7 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 31.7. "Official
34 establishment", **for purposes of IC 15-2.1-24**, means a ~~recognized~~ an
35 establishment that has been granted inspection under IC 15-2.1-24.

36 SECTION 53. IC 15-2.1-2-32 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 32. "Official health
38 certificate" means ~~any prescribed or printed form adopted by a state to~~
39 ~~be used for the purpose of recording data, results of tests, and~~
40 ~~statements, concerning the health status or other matters in relation~~
41 ~~thereto, with respect to domestic animals listed thereon.~~ a certificate
42 of veterinary inspection.



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SECTION 54. IC 15-2.1-2-32.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 32.5. "Official identification" means the ~~official method of~~ identification ~~by species pursuant to recognized or required by the board for an animal or class of animals under a rule adopted by the board~~ under IC 4-22-2.

SECTION 55. IC 15-2.1-2-32.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 32.7. "Official laboratory" ~~for purposes of IC 15-2.1-22 and IC 15-2.1-23~~, means a biological, chemical, or physical laboratory that meets the following conditions:

(1) Is under the direct supervision of the board or a state or local governmental agency designated by the board.

(2) Is authorized and certified by the board to do official work.

SECTION 56. IC 15-2.1-2-32.9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 32.9. "Officially designated laboratory" ~~for purposes of IC 15-2.1-22 and IC 15-2.1-23~~, means:

(1) a commercial laboratory authorized and certified by the board to do official work; or

(2) ~~a milk~~ an industry laboratory authorized and certified by the board ~~for the examination of producer samples of Grade A raw milk for pasteurization~~ **to do official work.**

SECTION 57. IC 15-2.1-2-36 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 36. "Packer" means any person engaged in the business of:

(1) ~~buying and slaughtering~~ livestock **to be slaughtered** for food; ~~and in marketing the~~

(2) **manufacturing or preparing meat or meat food products therefrom for sale or shipment in commerce; or**

(3) **marketing meat** and ~~who purchases more than one hundred (100) head in any one (1) month for that purpose~~ **meat food products acting as a wholesaler, broker, dealer, or distributor.**

SECTION 58. IC 15-2.1-2-38.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 38.3. (a) "Pasteurization", "pasteurized", and similar terms means the following:

(1) The process of heating every particle of milk or milk products (except ice cream, ice milk, and sherbet mixture) to:

(A) at least one hundred forty-five degrees Fahrenheit (145°F) and holding the particle continuously at or above this temperature for at least thirty (30) minutes; or

(B) at least one hundred sixty-one degrees Fahrenheit (161°F) and holding the particle continuously at or above this



temperature for at least fifteen (15) seconds;
in equipment that is properly operated and approved by the board.

(2) The process of heating milk products that have higher milk fat content than milk or that contain added sweeteners to:

(A) at least one hundred fifty degrees Fahrenheit (150°F) and held continuously at or above this temperature for at least thirty (30) minutes; or

(B) at least one hundred sixty-six degrees Fahrenheit (166°F) and held continuously at or above this temperature for at least fifteen (15) seconds.

(3) The process of heating every particle of ice cream, ice milk, or sherbet mixture (except fruits, fruit juices, nuts, cocoa or chocolate, maple syrup, cakes, confections, or other flavoring or color) to:

(A) one hundred fifty-five degrees Fahrenheit (155°F) and holding the particle continuously at or above this temperature for at least thirty (30) minutes;

(B) at least one hundred seventy-five degrees Fahrenheit (175°F) and holding the particle continuously at or above this temperature for at least twenty-five (25) seconds; or

(C) at least one hundred ninety-four degrees Fahrenheit (194°F) ~~under vacuum~~ **for at least one-half (1/2) second.**

(4) Any other pasteurization process that is found to be equally efficient and that is approved by rule of the board.

SECTION 59. IC 15-2.1-2-40 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 40. "Practice of veterinary medicine" ~~or surgery~~ includes any act or operation for (a) the relief from disease, affliction or injury to any domestic animal; (b) the practice of dentistry or obstetrics upon any domestic animal; (c) the diagnosing, prescribing or administering of any drug, medicine, biological product, appliance or application for diagnosis; (d) the treatment or prevention of disease of any domestic animal; and/or (e) the cure or relief of any wound, fracture, bodily injury or affliction of any kind of domestic animal. **has the meaning set forth in IC 15-5-1.1-2.**

SECTION 60. IC 15-2.1-2-41 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 41. "Private sale" means any sale ~~of domestic animals~~ other than a public sale.

SECTION 61. IC 15-2.1-2-43 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 43. "Public sale" means any sale where the general public is invited to participate whether held at an established place of business ~~dedicated principally to the sale of~~

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domestic animals or at a place where such sales are infrequently held.

SECTION 62. IC 15-2.1-2-44 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 44. "Reactor" means any domestic animal which has been tested for a certain disease and ~~which that~~ shows a positive reaction to an official test for such disease in accordance with existing regulations at ~~the~~ time of ~~the~~ test.

SECTION 63. IC 15-2.1-2-44.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 44.6. (a) "Receiving station" means a place, a premises, or an establishment where milk or milk products are collected, handled, ~~processed~~, stored, ~~pasteurized~~, ~~bottled~~, or **cooled and** prepared for distribution.

(b) The term does not include soft ice cream dispensers in restaurants as defined by the board.

SECTION 64. IC 15-2.1-2-45.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 45.8. (a) "Renderer" ~~for purposes of IC 15-2.1-2-44~~ means a person engaged in the business of **operating a disposal plant for the** rendering of livestock or poultry carcasses or parts or products of such carcasses.

(b) The term does not include rendering conducted under inspection or exemption under IC 15-2.1-2-44.

SECTION 65. IC 15-2.1-2-47 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 47. (a) "Sale", **"sell"**, or **"selling"** means sale, lease, donation, trade, barter, or exchange in any manner.

(b) **"Sale"**, ~~for purposes of IC 15-2.1-2-44~~, means any sale and **The term** includes the following:

(1) Manufacture, processing, transporting, handling, packing, canning, bottling, or any other productions, preparation, or putting up.

(2) Exposure, offer, or any other proffer.

(3) Holding, storing, or any other possession.

(c) **"Sell"** means to sell, lease, donate, trade, barter, or exchange in any manner.

(d) **"Selling"** means selling, leasing, donating, trading, bartering, or exchanging in any manner.

SECTION 66. IC 15-2.1-2-51 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 51. "Stockyards" means a place, ~~where an establishment, or a facility conducted, operated, or managed for profit or not for profit as a public market in which livestock is assembled and at which place facilities are maintained for the handling of such livestock either for purchase or sale at competitive bidding, or purchase by the persons operating the stockyards. and such~~



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places shall be deemed to include **The term includes** concentration points where livestock is assembled for the purpose of redistribution or resale by means other than competitive bidding, but ~~such places shall~~ **does not be deemed to** include sale barns.

SECTION 67. IC 15-2.1-2-51.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 51.5. "Transfer station" means a place, a premises, or an establishment where milk or milk products are transferred directly from one (1) ~~transport milk tank truck~~ to another.

SECTION 68. IC 15-2.1-2-52 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 52. ~~"Transporting"~~ **"Transport vehicle"** means a vehicle used for transporting dead animal bodies, ~~and~~ nonedible byproducts from the slaughtering of animals and poultry, ~~and or~~ restaurant grease.

SECTION 69. IC 15-2.1-2-53 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 53. "Tuberculosis" means tuberculosis in ~~domestic~~ animals.

SECTION 70. IC 15-2.1-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. ~~Appointment of Members.~~ At least thirty (30) days before the expiration of the term of office of a member of the board, the governor shall appoint ~~his~~ a successor.

SECTION 71. IC 15-2.1-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. ~~Duties, Generally.~~ The board shall have general supervision of the prevention, suppression, control, and eradication of infectious, contagious and communicable diseases affecting the health of ~~domestic~~ animals within and in transit through the state **and the production, manufacture, and processing and distribution of products derived from animals to control health hazards that may threaten the public health and welfare of the citizens of Indiana.**

SECTION 72. IC 15-2.1-3-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 13. In addition to the powers and duties given the board elsewhere in this article and otherwise by law, the board shall have the powers and duties as are reasonable and necessary to do the following:

- (a) (1) Provide for the quarantine of ~~domestic~~ animals affected with or ~~which~~ **that** have been exposed to an infectious, contagious, or communicable disease.
- (b) (2) Provide for and control the establishment and maintenance of accredited, certified, ~~or~~ validated, **or otherwise designated** disease free **or disease monitored** herds, ~~or~~ flocks, **or areas,**



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including but not limited to **the following:**

- (+) (A) The control and accreditation of ~~specific pathogen-free~~ (SPF) swine as ~~those herds that are~~ free of enzootic pneumonia (mycoplasma species), swine dysentery, atrophic rhinitis, or other disease syndromes.
- (2) ~~concerning cattle;~~ (B) The establishment and maintenance of certified or validated brucellosis free herds and areas. ~~and modified certified brucellosis-free areas;~~
- (3) ~~concerning cattle;~~ (C) The establishment and maintenance of accredited tuberculosis free herds and areas. ~~and modified accredited tuberculosis-free areas;~~ and
- (4) ~~concerning swine;~~ (D) The establishment and maintenance of validated, ~~brucellosis-free~~ **monitored, certified, or other disease statuses for** herds and areas.
- (e) (3) Provide programs and plans for the prevention, control, and eradication of infectious, contagious, or communicable diseases in ~~domestic~~ animals.
- (f) (4) Control or prohibit the movement and transportation into, out of, or within the state, of ~~domestic~~ animals and the products of ~~domestic~~ animals ~~which that~~ are diseased, or suspected to be diseased, or under quarantine, **or that originate from a country, state, or other area that is known to harbor animals infected with a disease.**
- (g) (5) Control the public and private sale of ~~domestic~~ animals in order to prevent the spread of disease.
- (h) (6) Control the sanitation and disinfection of public stockyards and the sanitation and disinfection of vehicles used as public carriers for the transportation of ~~domestic~~ animals into and within the state.
- (i) (7) Control the sanitation and disinfection of the premises, buildings, sheds, lots, and other places or enclosures where diseased ~~domestic~~ animals have been confined.
- (j) (8) Control the movement of ~~domestic~~ animals to and from premises where infectious, contagious, or communicable diseases exist or of material that may carry or spread disease.
- (k) (9) Control the disposal of carcasses of ~~domestic~~ animals.
- (l) (10) Control the manufacture, sale, storage, distribution, handling, and use of serums, vaccines, and other biologics and veterinary drugs, except those drugs **for human consumption** regulated under IC 16-42-19, to be used for the prevention, control, and eradication of disease in ~~domestic~~ animals.
- (m) (11) Prescribe the means, methods, and procedures for and



otherwise control the vaccination and the conduct of tests for disease of ~~domestic~~ animals.

(†) (12) Provide for the identification of ~~domestic~~ animals ~~which~~ **that** have been condemned for slaughter under provisions of this article, and for the identification of ~~domestic~~ animals ~~which~~ **that** have and have not satisfactorily passed tests established for detecting the presence of an infectious, contagious, or communicable disease.

(†) (13) Establish the terms and method of appraisal of ~~domestic~~ animals condemned for slaughter under provisions of this article, the payment of any indemnities that may be provided for such animals, and the regulation of the sale of such animals.

(†) (14) Control the sale of baby chicks.

(†) (15) Cooperate and enter into agreements with the appropriate departments and agencies of this state, of any other state, or of the federal government for the purpose of preventing, controlling, and eradicating infectious, contagious, and communicable diseases of ~~domestic~~ animals.

(†) (16) Control or prohibit the movement and transportation into, out of, or within the state, of wild animals or birds ~~which~~ **that** might carry or disseminate diseases to ~~domestic~~ animals or birds in the state of Indiana.

(†) (17) Provide for condemning or abating conditions causative of disease in ~~domestic~~ animals.

(†) (18) Establish and designate, in addition to the ~~Bang's~~ disease testing service laboratory at Purdue University, ~~such~~ **other** laboratories as may be necessary ~~in order~~ to make tests of any nature for ~~brucellosis~~ **disease**.

(†) (19) Cause investigations to be made as to the best methods for the prevention, control, suppression, or eradication of contagious, infectious, or communicable diseases affecting ~~domestic~~ animals.

(†) (20) Investigate, gather, and compile information concerning the organization, business conduct, practices, and management of any licensee, permittee, applicant for a license, or applicant for a permit.

(†) (21) Institute legal action in the name of the state of Indiana as is necessary to enforce its orders and regulations and the provisions of this article.

(†) (22) Control the collection, transportation, and cooking of garbage to be fed to swine and all matters of sanitation relating thereto affecting the health of swine or affecting public health and

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~~(w)~~ **(23)** Adopt an appropriate seal.

~~(x)~~ **(24)** Issue orders as an aid to enforcement of the powers granted it by this article.

~~(y)~~ **(25)** Control disposal plants and byproducts collection services and all matters connected thereto.

~~(z)~~ **(26)** Abate biological or chemical substances that:

~~(1)~~ **(A)** remain in or on any animal before or at the time of slaughter as a result of treatment or exposure; and

~~(2)~~ **(B)** are found by the board to be or have the potential of being injurious to the health of animals or humans.

(27) Regulate the production, manufacture, processing, and distribution of products derived from animals to control health hazards that may threaten the public health and welfare of the citizens of Indiana and the trade in animals and animal products in and from Indiana.

(28) Cooperate and coordinate with local, state, and federal emergency management agencies to plan and implement disaster emergency plans and programs as they relate to animals in Indiana.

(29) Assist law enforcement agencies investigating allegations of cruelty and neglect of animals.

(30) Assist organizations that represent livestock producers with issues and programs related to the care of livestock.

SECTION 73. IC 15-2.1-3-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. ~~Inspection Power to Enter Private and Public Property.~~ The board or its agent may make sanitary inspections and surveys in all parts of this state, and shall have the right to enter upon any public or private property where any ~~domestic~~ animals are at the time quartered, or wherever the carcass of any ~~domestic~~ animal may be, for the purpose of inspecting such property, examining such animals, conducting tests in regard to the presence of an infectious, contagious, or communicable disease of ~~domestic~~ animals and the possible cause and sources of such disease, and for performing any other function authorized by this article.

SECTION 74. IC 15-2.1-3-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 15. ~~Subpoena Power.~~ The board, over the signature of the chairman ~~is or another board member authorized by the board, may do the following to accomplish the board's objectives:~~

(1) Subpoena and bring before the board any person or persons in this state and to take testimony either orally or by deposition or by



exhibit, with the same fees and mileage, and in the same manner as prescribed by law in judicial procedure, in civil cases, in circuit courts, of ~~this state~~. **Indiana.**

(2) Subpoena and order any person to provide to board personnel for inspection and copying records, photographs, and any other type of document or data compilation, or to allow access for inspection, copying, testing, sampling, analysis, or treatment any tangible thing, including animals, carcasses of animals, animal feed, and meat, dairy, and other human food products.

SECTION 75. IC 15-2.1-3-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 18. ~~Federal Laws, Rules and Regulations~~. Effect: The board may, in behalf of the state, accept **or adopt**, in whole or in part, **federal laws, including** rules and regulations adopted by the department of agriculture agencies of the United States under any act of Congress providing for the control, suppression or eradication of communicable diseases in domestic animals: **that are necessary or helpful in fulfilling the board's duties under this article.** The board may cooperate with the authorities of the United States government within this state in enforcing ~~such rules and regulations~~. **state and federal laws.**

SECTION 76. IC 15-2.1-3-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 19. ~~Regulations Promulgation~~. In accordance with the provisions of the **Indiana** laws of ~~this state~~ concerning the establishment and ~~promulgation~~ **adoption** of regulations, rules, the board shall promulgate such regulations as **adopt rules that** are reasonable and necessary to discharge the duties imposed on it by law and otherwise to implement the provisions of this article **and IC 15-5-14.**

SECTION 77. IC 15-2.1-3-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 20. **The board may accept, use, and expend funds or other resources from sources other than the state if:**

- (1) the resources are awarded for the pursuit of a specific objective that the board is authorized to accomplish under this article or that the board is qualified to accomplish by reason of its jurisdiction or professional expertise;**
- (2) the resources are expended for the pursuit of the objective for which they are awarded;**
- (3) activities connected with or occasioned by the expenditure of the resources do not interfere with or impair the**



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performance of the board's duties and responsibilities and do not conflict with the exercise of the board's powers and duties as specified by this article;

(4) monetary resources are kept in separate accounts in the state treasury; and

(5) reports of the board's receipt and use of the resources are prepared periodically.

SECTION 78. IC 15-2.1-3-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 21. (a) Notwithstanding IC 15-2.1-2-21.2, the board may adopt by rule a different definition of "herd" in order to advance a disease control program or objective.**

(b) Notwithstanding IC 15-2.1-2-29.7(5), the board may adopt rules concerning livestock products that are not in containers from being considered misbranded.

(c) Notwithstanding IC 15-2.1-2-29.7(5)(B), the board may adopt rules to allow reasonable variations and exemptions concerning small containers from being considered misbranded.

(d) Notwithstanding IC 15-2.1-2-29.7(9)(B), the board shall adopt rules to establish exemptions for product labels that do not bear the common or usual name of each ingredient in a product fabricated from at least two (2) ingredients from being considered misbranded if listing the common or usual name of each ingredient is impracticable or results in deception or unfair competition.

(e) Notwithstanding IC 15-2.1-2-29.7(11), the board shall adopt rules to establish exemptions for a product that bears or contains artificial flavoring, artificial coloring, or a chemical preservative from being considered misbranded if the product does not bear or contain a label stating that the product bears those substances if stating that fact is impracticable.

SECTION 79. IC 15-2.1-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 6. ~~State Veterinarian Organization of Board.~~ The state veterinarian may, subject to the approval of the board, organize the personnel and functions of the board into divisions and subdivisions and delegate responsibilities to those divisions and employees to carry out his the state veterinarian's powers and duties and the powers and duties of the board. and The state veterinarian may consolidate, divide, or abolish from time to time such divisions and subdivisions as may be necessary to carry out such powers and duties.**

SECTION 80. IC 15-2.1-4-8 IS AMENDED TO READ AS



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1 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8.

2 ~~Employee Appointment~~. The board: ~~shall~~

3 (1) **may** appoint one (1) assistant state veterinarian; and ~~such~~

4 (2) **shall appoint** other employees as ~~may be deemed~~ necessary
5 to carry out ~~the provisions of~~ this article.

6 SECTION 81. IC 15-2.1-4-12 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12.

8 ~~Employee Prohibitions~~. No employee may engage in the practice of
9 veterinary medicine or surgery during his term of office or employment
10 by the board. No (a) **An** employee may **not** receive or collect any fee
11 or other payment for any services rendered as an employee.

12 (b) **To learn professional skills and become familiar with new**
13 **developments in the field of veterinary medicine, the state**
14 **veterinarian or other veterinarian employed by the board may, in**
15 **an individual capacity as a licensed veterinarian and not in an**
16 **official capacity as a board employee, engage in the private**
17 **practice of veterinary medicine if the private practice of veterinary**
18 **medicine does not interfere with the employee's performance of**
19 **duties as an employee of the board or does not otherwise violate**
20 **state laws governing ethics and conflicts of interest. The board may**
21 **impose conditions or restrictions on the practice of veterinary**
22 **medicine by its employees to facilitate the performance of board**
23 **duties and compliance with state ethics laws. The state is not liable**
24 **for any act performed by the state veterinarian or other employee**
25 **performed in this capacity.**

26 SECTION 82. IC 15-2.1-7-5 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. ~~Tuberculin~~
28 ~~Cattle Branding and Tagging~~. Cattle, **which goats, and cervids that**
29 **show a positive reaction to a tuberculin test shall be marked**
30 **immediately by branding on the left jaw with the letter "T," which shall**
31 **be not less than two (2) nor more than three (3) inches in height, and**
32 **shall be tagged with a special tag using a method of identification**
33 **approved by the board. All animals branded and tagged identified in**
34 **accordance with the foregoing provisions shall be appraised by an**
35 **authorized agent of the board of or the United States department of**
36 **agriculture. No brand or tag An identification on reactor cattle may**
37 **not be tampered with or altered.**

38 SECTION 83. IC 15-2.1-7-6 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. ~~Tuberculin~~
40 ~~Cattle Condemnation~~. **Positive reacting Cattle, goats, and cervids that**
41 **show a positive reaction to a tuberculin test shall be deemed**
42 **condemned and designated for further testing at a laboratory**



1 **approved by the board or for** slaughter within fifteen (15) days after
 2 appraisal. **Animals designated for slaughter shall be slaughtered** at
 3 an establishment where federal **or state** inspection is maintained and
 4 which is under the direction of an inspector employed by the United
 5 States department of agriculture **or the board.**

6 SECTION 84. IC 15-2.1-7-7 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. ~~Tuberculin~~
 8 ~~Cattle Indemnity.~~ Owners of cattle, **goats, and cervids that are**
 9 destroyed ~~which because they~~ have shown a positive reaction to a
 10 tuberculin test, or ~~cattle destroyed that because they~~ have been
 11 exposed by reason of association with tubercular ~~cattle, animals,~~ shall
 12 be indemnified for such ~~cattle animals~~ in accordance with ~~regulations~~
 13 **rules** of the board and the United States department of agriculture. ~~but~~
 14 ~~no~~ Payment by the state **may not exceed the per animal limit set in**
 15 **the rules of the board. Payment for cattle may not** be more than
 16 three hundred and fifty dollars (\$350) per animal. Joint federal-state
 17 indemnity, plus salvage, may not exceed the appraised value of each
 18 animal. State indemnity may not exceed federal indemnity on each
 19 animal. No indemnity may be paid for cattle reacting to a tuberculin
 20 test which has been applied by any veterinarian other than the state
 21 veterinarian, his agent, or an agent of the United States department of
 22 agriculture.

23 SECTION 85. IC 15-2.1-7-8 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. ~~Quarantine Herds.~~
 25 All herds of cattle, **goats, and cervids** in which any animal shows a
 26 positive reaction to a tuberculin test shall be deemed to be under
 27 quarantine.

28 SECTION 86. IC 15-2.1-10-1 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. ~~Health~~
 30 ~~Certificate Requirement.~~ **All The board may require by rule that**
 31 swine ~~imported moved~~ into the state **Indiana** or sold through any
 32 public or private sale within the state of Indiana shall be accompanied
 33 with either an official ~~health~~ **certificate of veterinary inspection** or a
 34 board sanction showing that ~~such the~~ swine have been tested for
 35 ~~brucellosis, diseases~~ and found to be negative according to board
 36 regulations prior to the date of sale. Board sanction may be given on a
 37 special form as prescribed by the board to be used ~~in lieu instead~~ of the
 38 official ~~health~~ **certificate of veterinary inspection.**

39 SECTION 87. IC 15-2.1-10-2 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. ~~Health~~
 41 ~~Certificate Copies.~~ Copies of the official ~~health~~ **certificate of**
 42 **veterinary inspection** shall be issued and distributed as prescribed by



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the board.

SECTION 88. IC 15-2.1-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. ~~Testing. The test~~ **Tests for brucellosis upon which the health certificate or board sanction prescribed by section 4 of diseases required by the board** under this chapter is based must be conducted by a veterinarian who is licensed or legally able to practice in Indiana and who is accredited veterinarian by the United States Department of Agriculture whose name is shown along with the result of the test on whichever form is used. ~~further,~~ The tests must be conducted either by the ~~Bang's Animal Disease testing service~~ **Diagnostic** Laboratory at Purdue University, by a laboratory designated or established by the board, or, in the case of swine imported from another state, by a state-federally approved laboratory.

SECTION 89. IC 15-2.1-12-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. ~~Ear Tagging. All~~ Pigs being sold through sale barns, stockyards, livestock auction markets or places of business where pigs are assembled for resale, except pigs sold for immediate slaughter, must be identified by ear ~~tagging using an identification approved by the board~~ before being moved from ~~such premise: the premises.~~

SECTION 90. IC 15-2.1-12-7.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7.5. ~~No~~ A person ~~shall~~ **may not** import, move, or introduce into ~~the state of~~ Indiana any feeder pigs unless ~~such the~~ feeder pigs are first identified by ear tag using an **identification approved by the board** (unless subject to section 10 of this chapter), accompanied by a permit issued by the board and accompanied by an official health certificate of veterinary inspection issued and signed by a veterinarian licensed or legally able to practice in Indiana and who is accredited veterinarian by the United States Department of Agriculture or other sanction approved by the board.

SECTION 91. IC 15-2.1-12-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. ~~Import Permit. The~~ board may exempt farmers wishing to import move feeder pigs into ~~the state of~~ Indiana for their own feeding program ~~may do so by obtaining from the requirements of this chapter and may require~~ that the farmer obtain a special permit from the board on each shipment imported moved into the state. Pigs shall be accompanied by a special permit and a health certificate while in transit.

SECTION 92. IC 15-2.1-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. ~~No~~ A provision of



1 this chapter ~~shall~~ **may not** be construed as being applicable to **any of**
 2 **the following:**

3 (1) The purchase of livestock by an individual for ~~his~~ **the**
 4 **individual's** own use other than resale on the livestock market.

5 (2) The distribution of livestock in connection with programs
 6 dedicated to improvement of breeding practices or experimental
 7 procedures in which the ownership of such livestock remains
 8 vested, in whole or in part, in the distributor or breeder;

9 (3) The purchase or sale of livestock by a producer or farmer **that**
 10 **buys or sells livestock in connection with a business of raising,**
 11 **feeding, grazing, or breeding livestock as a part of a farming**
 12 **enterprise and does not follow a definite or routine pattern of**
 13 **disposing of acquired livestock through channels of trade in**
 14 **less than sixty (60) days from the date of acquisition as an**
 15 **incident to part of a farming enterprise as distinguished from that**
 16 **of a dealer or trader.**

17 (4) The purchase of livestock by ~~operators of locker plants,~~
 18 **slaughtering establishments, meat processors,** restaurants,
 19 grocery stores, meat markets, and similar enterprises when such
 20 livestock is purchased solely for the purpose of being processed
 21 into meat products for use or sale in connection with the business
 22 enterprise in which they are engaged if the total number of head
 23 of livestock purchased for such purposes does not exceed twenty
 24 (20) head in any one (1) week.

25 SECTION 93. IC 15-2.1-14-2 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. ~~No A~~ person, except
 27 as specifically exempted in this chapter, may ~~engage in the sale of not~~
 28 **act as a dealer in** livestock in ~~this state~~ **Indiana** without first obtaining
 29 a license ~~to do so,~~ in accordance with the provisions ~~set forth in of~~ this
 30 chapter. ~~nor A person~~ **any person not** continue ~~in that business to~~
 31 **deal in livestock** after a license has expired or has been suspended or
 32 revoked.

33 SECTION 94. IC 15-2.1-14-3 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. ~~Classifications~~
 35 ~~Determined by the Board:~~ Classifications of dealers required to be
 36 licensed under this chapter shall be determined by the board according
 37 to the nature of the particular enterprise in which each dealer is
 38 engaged. ~~Such~~ **The** determinations, with respect to classifications, ~~shall~~
 39 **must** be consistent with the definitions set forth in this article and ~~shall~~
 40 **must** be predicated upon the facts made available from the application
 41 for license, and any supporting papers or any inquiry or investigation
 42 made in conjunction ~~therewith.~~ **with the application.**



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SECTION 95. IC 15-2.1-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) Classifications under which licenses ~~will be~~ **are** issued ~~and the fees to be charged and collected by the livestock licensing division for each license issued~~ are as follows:

(1) **A market facility dealer license issued to livestock auction barns, stockyards, packers, or concentration points. one hundred dollars (\$100).**

(2) ~~Livestock auction barns, one hundred dollars (\$100).~~

~~(3) (2) An individual dealer license issued to individual dealers or and market agencies twenty-five dollars (\$25). not operating a market facility.~~

(b) Separate licenses are required for each location at which stockyards, packing plants, market agencies, and livestock auction barns are operated. ~~Where there is a combined operation of any two (2) activities as classified in this section at the same location, the combined license fee shall be equal to the combined fee for the two (2) activities singularly, or one hundred twenty-five dollars (\$125), whichever is the lesser amount. Not~~ More than one (1) license ~~shall~~ **may not** be required of individual dealers other than those operating as market agencies at different locations.

(c) ~~Wherever scales are utilized for the purpose of weighing livestock by dealers, as defined in this article, an additional fee of twenty-five dollars (\$25) per annum shall be charged as an inspection fee if the license fee provided in this section is less than fifty dollars (\$50). A license issued under this chapter continues in effect until the licensee ceases operating as a livestock dealer in Indiana or the board revokes the license. The board may adopt rules to implement this chapter, including the following:~~

(1) **Procedures for issuing, suspending, revoking, and updating licenses.**

(2) **Requiring annual or other regular reports from licensees for the purpose of:**

(A) **determining the required amount of bond coverage under this chapter or the current status of agents or other personnel acting under the license; or**

(B) **updating other information used in administering the requirements of this chapter.**

SECTION 96. IC 15-2.1-14-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) Subject to subsection (b), a livestock dealer may designate ~~as many persons as the dealer's agents as he desires,~~ subject to those liabilities that are

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ordinarily attached under a contract of agency. and in accordance with the following limitations and schedules of additional fees to be paid:

(1) Where the license fee charged the dealer is twenty-five dollars (\$25); an additional fee of five dollars (\$5) shall be charged for each agent designated in the excess of three (3) in number.

(2) Where the license fee charged the dealer is one hundred dollars (\$100); an additional fee of five dollars (\$5) shall be charged for each agent designated in the excess of twelve (12) in number.

(3) Where the combined license fee charged the dealer is one hundred twenty-five dollars (\$125); an additional fee of five dollars (\$5) shall be charged for each agent designated in the excess of fifteen (15) in number. **An agent may deal in livestock for the principal under the principal's livestock dealer license. An agent dealing in livestock may deal only as an agent for the principal unless the agent has obtained a separate license under this chapter.**

(b) A livestock dealer may not designate an individual as an agent if the individual's dealer's license was suspended or revoked in any state or by the **United States Department of Agriculture, Grain Inspection, Packers and Stockyards Administration** during the two (2) years preceding the proposed designation.

SECTION 97. IC 15-2.1-14-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) ~~Every dealer;~~ Before engaging or continuing in the sale of livestock; **business as a livestock dealer, a person** must execute and maintain a bond or bond equivalent meeting the requirements of this section.

(b) **The form of the bond or bond equivalent shall be prescribed by the board and must meet the following minimum requirements:**

(1) **The instrument must be payable to the state of Indiana, as obligee, for any person who may be damaged as a result of a breach of the conditions of the bond:** ~~(b) The form of the bond shall be prescribed by the board and shall be so conditioned as to instrument.~~

(2) **The terms of the instrument must** secure the performance of the licensee's obligations under this chapter. ~~The bond shall instrument must~~ specifically provide that the dealer will pay all legal claims which may accrue in favor of any seller of livestock in this state.

~~(c)~~ (3) The surety on any ~~such livestock dealer bond or bond equivalent~~ shall be a surety company authorized to do business within the state of Indiana.



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(4) The bond or bond equivalent will be considered to be continuous in nature unless otherwise specified. The instrument must contain a provision requiring that, before terminating the instrument, the terminating party must serve to the board either:

(A) written notice of termination at least thirty (30) days before the effective date of the termination; or

(B) notice of a valid replacement bond or bond equivalent that provides continuous coverage.

(c) The amount of such livestock dealer bond shall be or bond equivalent required under this section must be an amount that is not less than the nearest next highest multiple of five thousand dollars (\$5,000) above the average aggregate product of the following equation:

Divide the dollar amount of sales, purchases, and transfers of livestock transactions conducted by such dealer the license applicant during two (2) business days, based on the total number of business days and the total amount of such sales and purchases in the preceding twelve (12) months, or in such that part thereof of the year in which such dealer the applicant did business, if any. For by the purpose number of this computation, two hundred sixty (260) days shall be deemed the number of business days in the year. In any case, however, on which business was conducted.

(d) The following apply to the equation set forth in subsection (c):

(1) The number of days on which business was conducted in a year may not exceed one hundred thirty (130).

(2) The amount of the bond shall or bond equivalent may not be less than ten thousand dollars (\$10,000) and when the bond requirements exceed fifty thousand dollars (\$50,000) calculated on under the sales and purchases calculations as specified in this subsection (c), the amount of the bond instrument need not exceed fifty thousand dollars (\$50,000) plus ten percent (10%) of the excess raised to the next multiple of five thousand dollars (\$5,000).

(e) Whenever there has been a change in the gross amount of business transacted during the a twelve (12) month period prior to the renewal of any license which that would warrant an increase or decrease in the amount of bond or bond equivalent coverage required under this chapter, the dealer shall have his the bond or bond equivalent adjusted accordingly upon receipt of notice to that effect.



1 to meet the requirements of this chapter. If the gross amount of
 2 business changes so as to warrant a decrease in the amount of bond
 3 or bond equivalent required under this chapter, the dealer may
 4 have the bond or bond equivalent adjusted accordingly.

5 (f) A blanket bond or bond equivalent, based upon the gross
 6 amount of business transacted on an annual basis for each enterprise
 7 operated under the same ownership, may be furnished by licensees in
 8 lieu instead of individual bonds instruments for each enterprise
 9 operated, if the licensee so desires. Such bonds will be deemed to be
 10 continuous in nature unless otherwise specified and may be terminated
 11 by either party thereto by serving written notice of termination to the
 12 other party and to the board at least ten (10) days prior to the effective
 13 date of such termination.

14 (g) ~~In cases where~~ If a licensee under this chapter has a valid bond
 15 or bond equivalent on file with the United States Department of
 16 Agriculture, Grain Inspection and Packers and Stockyards Branch,
 17 Administration, and such the bond or bond equivalent is of an
 18 adequate amount and conditioned upon such terms so as to meet the
 19 requirements of that provide at least as much protection to sellers
 20 of livestock as a state bond under this chapter, further bond coverage
 21 by bond or bond equivalent under this chapter will is not be required.

22 (h) ~~No~~ A packer, other than those operating stockyards in this state,
 23 shall may not be required to furnish a bond security under this
 24 section if no bond or bond equivalent is required of such the packers
 25 under the United States Packers and Stock Yards Act of 1921
 26 (7 U.S.C.181-229).

27 SECTION 98. IC 15-2.1-14-7 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. (a) All scales used
 29 by any dealer licensed under this chapter shall be subject to inspection
 30 and testing by a scale inspector who may be any weights and
 31 measures inspector appointed by the state department of health. All
 32 such scales shall be subject to the applicable requirements of the code
 33 of specifications, tolerances, and regulations for scales as adopted by
 34 the state department of health.

35 (b) ~~In the event,~~ If, after proper inspection and testing, a scale fails
 36 to meet the applicable requirements of subsection (a) of this section,
 37 the scale inspector shall have the right and power to condemn such
 38 scale and to prevent its further use until it has been brought into
 39 conformance with these requirements.

40 (c) Any dealer licensed under this chapter, after a hearing has been
 41 had in accordance with the provisions of this chapter, shall have his the
 42 dealer's license revoked if the finding at such hearing discloses such



dealer to have been guilty of fraudulent, deceptive, or dishonest practices in the weighing of livestock.

SECTION 99. IC 15-2.1-14-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. A person who knowingly or intentionally allows a scale to be used in business transactions involving the purchase, sale, or exchange of livestock after the scale has been condemned and before it has been repaired to the satisfaction of the scale inspector, commits a Class D felony, and in addition to criminal penalties may be subject to a civil penalty of fifty dollars (\$50) for each day the defective scale is used. In the event a civil penalty so assessed is not paid, the prosecuting attorney of the judicial circuit in which the proceeding was brought may bring an action in the name of the state to enforce the collection of same, and any civil penalty when collected shall be turned over to the livestock licensing division for deposit to the credit of the livestock licensing division in the state general fund.

SECTION 100. IC 15-2.1-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. ~~No~~ A person may ~~not~~ sell any domestic animal that the person knows or suspects has an infectious or contagious disease, except to a ~~recognized~~ **an approved** slaughtering establishment, to a licensed marketing facility, or as the state veterinarian directs.

SECTION 101. IC 15-2.1-15-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) **The board may adopt rules requiring that** all dairy or breeding cattle and bison sold through any public or private sale ~~shall~~ **must** be accompanied with an official health certificate ~~showing such cattle and bison to have been tested and that the cattle and bison test negative~~ for brucellosis and tuberculosis. ~~within thirty (30) days prior to the date of sale unless prescribed otherwise by the board.~~ However, a special form as prescribed by the board may be used for this purpose ~~in lieu~~ **instead** of the ~~official health~~ certificate of veterinary inspection.

(b) **The board may adopt rules exempting** animals from ~~modified accredited tuberculosis-free areas testing for brucellosis and tuberculosis~~ within the state of Indiana or from tuberculosis-free accredited herds tested within one (1) year from date of sale ~~need not be tested for tuberculosis.~~ **other states or areas.**

(c) **The board may not adopt rules exempting** animals ~~under six (6) months of age; dairy cattle under twenty (20) months of age; and beef cattle under twenty-four (24) months of age; which were officially vaccinated when calves; accompanied by an official certificate of vaccination; and animals from brucellosis-free accredited herds; need~~



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not be tested for presenting little risk of spreading disease from brucellosis and tuberculosis testing requirements. However, at the order of the board, state veterinarian may order cattle of any age may to be tested including officially vaccinated heifers: to determine the disease status of the animal.

SECTION 102. IC 15-2.1-15-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. ~~Swine Sale~~~~Immediate Slaughter~~. Domestic Animals may be sold for immediate slaughter at a livestock auction market, community sale, or public stockyard. ~~No~~ A person may not knowingly resell or divert for any purpose, other than immediate slaughter to a **recognized and approved** slaughtering establishment, any domestic animals **purchased sold** for immediate slaughter.

SECTION 103. IC 15-2.1-15-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. ~~Fairs and Livestock Shows~~. The sale, exhibit, or display of domestic animals at any fair or livestock show shall be subject to such regulations as the board may prescribe.

SECTION 104. IC 15-2.1-15-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 15. ~~State Inspection Duties of Operator~~. The operator of an auction sale barn or community sale **his and the operator's** agents and employees shall render ~~such~~ reasonable assistance to the personnel engaged in state inspection as may be required to enable them to perform their duties. The operator shall furnish the facilities and assistance necessary to restrain domestic animals **is in** order that state inspection may be accomplished. The operator shall furnish the facilities necessary to allow the inspector to conduct tests and fill out all papers and forms required in the discharge of ~~his~~ **the inspector's** duties.

SECTION 105. IC 15-2.1-15-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 17. ~~Identification of Domestic Animals Moving in Trade~~. Domestic Animals moving in trade or market channels within ~~the state of~~ Indiana shall be identified to the extent and in ~~such a~~ manner as ~~deemed~~ **considered** necessary and prescribed by the board.

SECTION 106. IC 15-2.1-16-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. ~~Non-application of Chapter~~. Nothing in this chapter ~~shall apply~~ **applies** to or ~~affect~~ **affects** the following persons, matters, or vocations:

- (a) (1) Any person slaughtering, butchering, manufacturing, or selling in any manner any animal flesh or products, or any poultry flesh or poultry products, where ~~such~~ **the** animals or poultry are



1 killed for the sole purpose of being used for human consumption,
 2 or to persons engaged in transporting and disposing of the dead
 3 bodies of ~~any such the~~ animals so killed, or to persons engaged in
 4 the transportation and disposing of poultry so killed, or of any
 5 parts or products of animals or poultry to any persons solely for
 6 human consumption.

7 ~~(b)~~ **(2)** Any person transporting, disposing of, or selling the hides
 8 or skins of animals or tanning ~~such the~~ hides or skins for himself
 9 or other persons, provided such person does not engage in any
 10 other byproducts operation.

11 ~~(c)~~ **(3)** Any bodies of dead fish, reptiles or small animals of any
 12 kind such as dogs, cats and small game.

13 ~~(d)~~ **(4)** Any governmental agency collecting, transporting or
 14 disposing of the bodies of any dead animals or poultry in any
 15 manner.

16 ~~(e)~~ **(5)** Any person collecting, transporting or disposing of dead
 17 animals or poultry in any manner for educational or research
 18 purposes under permit and approval of the board. ~~and~~

19 ~~(f)~~ **(6)** Any livestock owner transporting ~~his the owner's~~ dead
 20 livestock to a rendering plant or to a diagnostic facility.

21 SECTION 107. IC 15-2.1-16-2 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. ~~Disposal Plant~~
 23 ~~License Requirement. No~~ **(a)** A person in ~~this state~~ **Indiana** may not
 24 do the following:

25 **(1)** Engage in the business of operating a disposal plant without
 26 first obtaining a **license** for each disposal plant ~~so operated a~~
 27 ~~license~~ and any vehicle certificates required by this chapter. ~~and~~
 28 ~~no person, except one holding~~

29 **(2)** Transport over the roads the body of a dead animal not
 30 slaughtered for human food unless the person holds a license
 31 to operate a disposal plant **or collection service** in ~~this state,~~
 32 **Indiana** or who is acting for ~~such a~~ licensee, or ~~who is~~ otherwise
 33 ~~excepted by~~ **exempted under** this article. ~~shall transport over the~~
 34 ~~highways of this state the body of any dead animal not~~
 35 ~~slaughtered for human food.~~

36 SECTION 108. IC 15-2.1-16-3 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. ~~License Application.~~
 38 Any person desiring a license to ~~engage in or continue in the business~~
 39 ~~of operating a disposal plant in the state of Indiana,~~ **required** under this
 40 chapter ~~shall must~~ file an application for ~~such the~~ license with the state
 41 veterinarian. The application ~~shall must~~ set forth the name and address
 42 of the applicant, the location of the place of business, the number and



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location of all substations, ~~he will operate,~~ the number and kind of vehicles ~~he will use, to be used,~~ and ~~such~~ other information as may be required by this article and by ~~regulations of rules adopted by~~ the board. The application ~~shall~~ **must** be accompanied by ~~an initial installment of one hundred dollars (\$100) on the total annual the~~ license fee to apply upon the expenses imposed by fees required under this chapter.

SECTION 109. IC 15-2.1-16-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. ~~Licenset Inspection.~~ Upon receipt of an application for a license under this chapter, the state veterinarian, or ~~some person appointed and designated by him;~~ a **designee of the state veterinarian,** shall ~~within thirty (30) days; if the applicant then is or has been the holder of a license under any prior statute in the conduct of an established disposal plant business in this state;~~ inspect the disposal plant and the locality where the applicant is conducting or proposes to conduct his business and shall ascertain whether or not ~~such the~~ applicant is a responsible and suitable person, financially and otherwise, to be entrusted with a license to conduct such business; and that he has fulfilled and complied with the requirements of this chapter and of the ~~regulations rules~~ relating to ~~such the~~ business. **An inspection must be conducted within thirty (30) days of the date the application was received by the state veterinarian.**

SECTION 110. IC 15-2.1-16-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. ~~License Term.~~ All licenses and transporting vehicle certificates ~~A license~~ issued under this chapter shall remain effective until January 15 of the ensuing calendar year unless ~~remains in effect until a licensee voluntarily surrendered; or suspended or revoked; surrenders a license, the board suspends or revokes the license as provided in this chapter, or the license period expires as determined by the board under~~ IC 15-2.1-17. The board may adopt rules to implement this chapter, including the following:

- (1) Procedures for issuing, suspending, revoking, and updating licenses and certificates.
- (2) Requiring annual or other regular reports from licensees for the purpose of determining the vehicle certificates required, the current status of facilities and equipment licensed under this chapter, or updating other information utilized in administering the requirements of this chapter.

SECTION 111. IC 15-2.1-16-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. ~~License to~~



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Operate Vehicle Certificates. Upon payment of an additional fifty dollars (\$50.00); as the final installment of the annual license fee by an applicant who has received a certificate of qualification; (a) The state veterinarian shall issue a disposal plant license to an applicant that meets the requirements of this chapter and any rules adopted under this chapter.

(b) Trucks or trailers that are to be used as transport vehicles must bear a license certificate issued by the state veterinarian. If an applicant for a disposal plant license meets the requirements of this chapter and any rules adopted under this chapter, the state veterinarian shall issue to such the applicant a license and four (4) transporting transport vehicle license certificates, one (1) of which shall be attached to for each transport vehicle so used, which declared in the license application. A transport vehicle license shall entitle him entitles the licensee to operate one (1) disposal plant and which certificates shall entitle him to operate four (4) transporting vehicles: a transport vehicle in Indiana.

SECTION 112. IC 15-2.1-16-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. License Fees: The annual license fees to operate a disposal plant and related items fees for licenses issued under this chapter are as follows:

(a) (1) The base license fee for each disposal plant, including four (4) transporting transport vehicle certificates, is one hundred fifty dollars (\$150).

(b) additional (2) The license fee for each substation is twenty dollars (\$20.00): (\$20).

(c) additional (3) The collection service license fee, for each transporting including transport vehicle certificate over four (4) five certificates, is one hundred fifty dollars (\$5.00): (\$150).

SECTION 113. IC 15-2.1-16-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. Fees Prorated: The full amount of the annual fees specified in this chapter shall be paid for licenses and transporting transport vehicle certificates issued on or prior to June 30, of any year; and before one-half (1/2) of all such fees shall be paid for any such the license or transporting vehicle certificate issued after June 30 of any year: period has expired, and one-half (1/2) of the fee shall be paid for licenses and certificates issued after one-half (1/2) of the license period has expired.

SECTION 114. IC 15-2.1-16-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. Inspections: Whenever If the state veterinarian by his first inspection of the finds that an applicant for a disposal plant of an applicant; shall find that



1 the applicant license has not complied with the requirements of this
 2 chapter and of the relevant regulations; he rules adopted under this
 3 chapter, the state veterinarian shall at once notify the applicant in
 4 writing of the specific findings, delivered in person or by registered
 5 United States mail. with return receipt; specifying the particulars of
 6 such failure to comply therewith and of any further objections he may
 7 have. Upon being notified in like manner by The applicant may
 8 request a reinspection or reconsideration of the state veterinarian's
 9 findings in writing of such compliance and that such plant conforms
 10 to the requirements of this chapter and of such regulations; delivered
 11 to the state veterinarian. The state veterinarian shall, within ten (10)
 12 days, make a similar second inspection, thereof; but shall may not be
 13 required to make more than two (2) inspections of the same plant under
 14 one (1) application and the original payment of fees. unless he so
 15 desires. If one (1) or two (2) inspections additional to a second
 16 inspection are desired by the applicant in effecting compliance by him
 17 with the requirements of this chapter; the applicant shall request the
 18 same in writing and pay in advance additional inspection fees of
 19 twenty-five dollars (\$25.00) for each such inspection so requested by
 20 him; but, for any further such inspections; he shall pay a fee of one
 21 hundred dollars (\$100); each. However, the state veterinarian may
 22 make more than two (2) inspections if circumstances warrant
 23 additional inspections. If an application is denied, the applicant
 24 may reapply for a license by following the appropriate procedures
 25 and paying the required fees.

26 SECTION 115. IC 15-2.1-16-11 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. New Disposal
 28 Plants: Plans. Any person not owning or in control of and not operating
 29 an established disposal plant on January 1, 1976; but desiring to engage
 30 in such business and to construct a new disposal plant, or reconstruct
 31 and reopen a disposal plant previously closed, shall must first file with
 32 the state veterinarian on a form furnished without charge by him; an
 33 application a written request for a permit for such that purpose along
 34 with such other information as may be required. together with a set of
 35 detailed plans and specifications for the plant so proposed to be
 36 constructed or reconstructed; and shall also pay therewith to the state
 37 veterinarian a fee of one hundred dollars (\$100) to cover the additional
 38 expense of investigating and passing upon such application and as the
 39 initial payment upon the license fee; if granted or denied. Such The
 40 applicant shall must also set out a general statement of his the
 41 applicant's proposed plan and method of operating said the business
 42 and said disposal plant and shall must show that it is proposed to be



located or continued in a place permitted by this chapter. The state veterinarian ~~is authorized to~~ **may require the applicant to** submit ~~such~~ **detailed** plans and specifications **for the proposed disposal plant.** **The state veterinarian may submit the plans, specifications,** and other information to any qualified architects and engineers employed in any other department of the state government or ~~if necessary, to submit the same~~ to any ~~such~~ qualified person not employed by the state and to pay the latter out of the fee aforesaid a sum not exceeding one hundred dollars (\$100) for examining such plans and specifications and advising him whether the same comply **to obtain advice concerning the proposed plant's compliance** with the provisions of this chapter **and any rules adopted under this chapter.**

SECTION 116. IC 15-2.1-16-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12. ~~New Disposal Plants Inspections.~~ If the state veterinarian finds that an applicant under section 11 of this chapter is a ~~responsible and suitable person to~~ conduct such business and that such plans and specifications and proposed method and place of conducting the business ~~comply~~ **has complied** with all of the relevant requirements of this article and ~~of the relevant regulations, he~~ **any rules adopted under this article, the state veterinarian** shall ~~thereupon~~ issue to ~~such applicant~~ a permit to construct or reconstruct the disposal plant. Upon the completion of the disposal plant and before the same is placed in operation, the applicant shall notify the state veterinarian who shall ~~thereupon~~ **then** make the same kind of inspections as are provided for existing established plants, and in all respects the procedure established for ~~such~~ inspections and the issuance of a license, with the payment of the ~~additional installment of fifty dollars (\$50.00) for the annual~~ license fee and any required additional fees by ~~such the applicant. shall apply, and~~ The license shall be either issued or denied in the same manner, and subject to all the other provisions of this chapter. For each subsequent year, the annual license and other fees shall be the same as for similar existing licensed plants.

SECTION 117. IC 15-2.1-16-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 15. ~~License Requirement to Transport Dead Animals.~~ ~~No~~ **A** person, except as provided in this chapter, may **not** haul or transport over the highways of the state of Indiana the bodies of any dead animals, except those that have been slaughtered and are intended for human food, without first obtaining and holding a disposal plant **or collection service** license issued under ~~the provisions of~~ this chapter, and which bodies are being transported to a disposal plant ~~located in this state and~~ operated by a



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1 person holding a license to engage in ~~such the~~ business.

2 SECTION 118. IC 15-2.1-16-16 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 16. ~~Restrictions on~~
4 ~~Licensing to Transport Dead Animals: No~~ A license may **not** be issued
5 to any person solely for the purpose of transporting the bodies of dead
6 animals ~~except; unless the person meets the requirements for a~~
7 **collection service under this chapter.** Any public official of this state,
8 charged by law with such duties, may remove or supervise the removal
9 of the dead bodies of animals and the disposal ~~thereof of the dead~~
10 **bodies** by any method provided for by this chapter, where necessary,
11 to protect the public health and welfare.

12 SECTION 119. IC 15-2.1-16-17 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 17. ~~Specifications for~~
14 ~~Transporting Vehicles: All transporting~~ **Transport** vehicles ~~shall must~~
15 be ~~so~~ constructed ~~so that the same shall be the transport vehicles are~~
16 practically watertight, so that no drippings or seepage from ~~such~~ dead
17 bodies ~~shall~~ escape from ~~such the~~ vehicles ~~where this if it can be~~
18 obviated. ~~and~~ All **transport** vehicles must have an endgate so designed
19 that drippings and seepage ~~shall will~~ not escape from ~~such part of said~~
20 **the** vehicle while **the transport vehicle is** engaged in ~~such~~
21 transportation. ~~and every such A transport vehicle shall have a bed of~~
22 ~~such type of construction and equipment must be constructed so that~~
23 any dead body ~~or bodies therein shall be in the transport vehicle is~~
24 completely hidden from view of persons using the highways and any
25 public nuisance ~~is obviated while being transported: during transport.~~

26 SECTION 120. IC 15-2.1-16-18 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 18. ~~Cleaning~~
28 ~~Transporting Vehicles:~~ On each occasion after the bodies of dead
29 animals have been unloaded from any ~~transporting transport~~ vehicle,
30 ~~such the transport~~ vehicle and all parts ~~thereof; of the transport~~
31 **vehicle** shall be thoroughly cleansed and disinfected in ~~such a~~ manner
32 and with ~~such~~ a solution as the state veterinarian ~~shall may~~ prescribe
33 by ~~regulation; and in addition thereto; rule.~~ All ~~such transport~~
34 vehicles shall be washed out thoroughly with steam or hot water after
35 each use ~~thereof in for transporting such dead bodies: animals.~~

36 SECTION 121. IC 15-2.1-16-19 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 19. ~~Transporting~~
38 ~~Vehicles: Transporting Transport~~ vehicles, when loaded with the body
39 of an animal ~~which that~~ has died of disease, shall be driven directly to
40 the place of disposal, or to a substation maintained for the temporary
41 storage of ~~such the~~ animal body, ~~by a disposal plant;~~ except that the
42 driver may stop on the highway for other ~~like~~ dead bodies. ~~but he shall~~



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1 **A person may** not drive a **transport vehicle** upon the premises of any
 2 person unless ~~he first~~ **the person** obtains the permission of ~~such the~~
 3 **other** person, and ~~he shall~~ **the person must** avoid creating any
 4 nuisance during ~~such~~ transportation. ~~and in the event~~ **If** any drippings
 5 or seepage ~~should~~ escape from ~~such the~~ vehicle, ~~to his knowledge, he~~
 6 **the person** shall clean up the ~~same~~ **drippings or seepage** and remedy
 7 ~~such the~~ escape, if possible to do so.

8 SECTION 122. IC 15-2.1-16-20 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 20. ~~No (a)~~ **A** person
 10 owning or caring for any animal that has died from any cause ~~shall~~ **may**
 11 **not** allow the body to lie about ~~his premises~~. Any animal body shall be
 12 disposed of by ~~such the~~ person within twenty-four (24) hours after
 13 knowledge of death so as not to produce a nuisance. Disposal must be
 14 by one (1) of the following methods:

- 15 (1) At an approved disposal plant.
- 16 (2) Burial upon the owner's premises to such a depth that every
- 17 part of the animal's body is at least four (4) feet below the natural
- 18 surface of the ground and every part of the animal's body is
- 19 covered with at least four (4) feet of earth in addition to any other
- 20 material that may be used as cover.
- 21 (3) Thorough and complete incineration according to standards
- 22 established by an appropriate governmental agency.
- 23 (4) Composting according to standards approved by the board.

24 **(b) The board may adopt rules that allow for alternate methods**
 25 **of disposing of dead animals that will promote the safe, orderly,**
 26 **and efficient disposal of dead animals. The board may adopt rules**
 27 **and issue orders restricting the use of the disposal methods**
 28 **described in subsection (a) to control disease.**

29 SECTION 123. IC 15-2.1-16-24 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 24. ~~Specifications for~~
 31 ~~Disposal Plants. No (a)~~ **A** disposal plant ~~shall be deemed~~ **is not** a
 32 suitable or sanitary place for disposing of the bodies of dead animals
 33 by any process of cooking unless it conforms to the following minimum
 34 specifications:

- 35 ~~(a)~~ **(1)** The building must have four (4) walls complete and be
- 36 provided with concrete or cement floors and be thoroughly
- 37 sanitary in construction and maintenance; and any sewage,
- 38 drainage or waste water of any kind, if of an offensive or
- 39 obnoxious character or odor, detrimental to human, animal,
- 40 agricultural or aquatic life, or that may constitute a public
- 41 nuisance, shall be discharged into a public sewer, and if no such
- 42 sewer is available, shall be disposed of in accordance with the



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requirements of water pollution control laws (as defined in IC 13-11-2-261).

~~(b)~~ **(2)** All disposal plants where a rendering process is conducted must be properly equipped, ~~and~~ operated, ~~with steel tanks, enclosed dryers and cold water condensers~~ and designed in such a manner as to minimize the escape of vapors during processing and to expose the material being processed to such conditions that will kill all pathogenic organisms. **The board may prescribe by rule specific conditions that a rendering process must meet in order to protect the public health.**

~~(c)~~ **(3)** If the owner or operator of a disposal plant wishes to sell any part or parts of any animal carcasses taken to ~~his~~ **the owner's or operator's** disposal plant for use in the manufacture of pet food, or for feeding mink and other animals, ~~such~~ **the** disposal plant shall have a separate room to which ~~such~~ animal bodies as are deemed suitable for such use shall be taken. The processing and boning of ~~such~~ carcasses shall be done promptly, and the boned meat shall be ground, or shall be cut into small pieces not more than four (4) inches in diameter, at which time an application shall be made of sufficient quantities of dye, charcoal, ~~or~~ malodorous fish oil, or ~~as directed~~ **other denaturant approved** by the state veterinarian so as to unequivocally preclude its use in human food. ~~Such~~ **Meat that is not immediately shipped** shall ~~thereupon~~ be refrigerated in a cooler storage room ~~which~~ **that** will preclude decomposition. ~~Such~~ Meat, before being shipped from a disposal plant, shall be packed in a type of container approved by the state veterinarian. The container so used, shall be clearly marked or stamped with the legend "Unfit for Human Consumption". Lettering used in the legend shall be at least as large as any other lettering on the container, and in no event shall the lettering in the legend be smaller than one-half (1/2) inch in height or less than one-half (1/2) inch in width. ~~Cartons shall not exceed one hundred (100) pounds. Such~~ **The** meat may be hauled to the plant of a manufacturer of pet food or to the place of feeding to animals at places approved by the state veterinarian. If, upon the skinning and dismemberment of an animal body it is determined that the body is not suitable for such use, the body shall then be removed to the processing area of the disposal plant where it can be processed in the same manner as other animal bodies are processed. ~~by cooking.~~

~~(d)~~ **(4)** All skinning and dismembering of bodies shall be done within the disposal plant and in ~~such~~ a manner that no

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unnecessary annoyance shall be caused other persons by the conditions or unsightly appearance of ~~such the~~ bodies or any parts and contents thereof, ~~and of the bodies~~. All ~~such bodies~~, **animal material transported to a disposal plant for disposal**, except ~~those that~~ disposed of pursuant to ~~under~~ subsection (e), **subdivision (3)**, above, and all parts and contents thereof, shall be disposed of within twenty-four (24) hours after delivery to the disposal plant, by ~~some a~~ method ~~herein specified~~; **allowed under this chapter**, except where rendered impossible by accident or other casualty preventing the operation of the disposal plant, or ~~except~~ where some epidemic or act of God has caused more bodies to be accumulated than can be reasonably disposed of within ~~such period of time~~ **twenty-four (24) hours** by the continuous operation of the plant. ~~in any of which events~~ The plant shall be placed in operation as soon as possible and shall be operated continuously until all bodies are disposed of.

(e) ~~(b)~~ **Such A** disposal plant shall be so situated, constructed, and maintained and all operations therein so conducted at all times as not to create, and continue unnecessarily, a public nuisance.

SECTION 124. IC 15-2.1-16-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 27. ~~Collection Service License Requirements.~~ **No A person in this state that does not operate a disposal plant licensed under this chapter may not engage in the business of collecting transporting dead animals, nonedible byproducts from the slaughtering of animals, or including poultry or restaurant grease for delivery to a disposal plant, situated outside the state of Indiana without first obtaining a license for such the collection service. which license may be obtained only by a person operating a disposal plant in another state. A person desiring a collection service license must submit an application to the state veterinarian with payment of the license fee required under this chapter.**

SECTION 125. IC 15-2.1-16-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 28. ~~Collection Service Application.~~ The owner or operator of a disposal plant in a state other than Indiana may apply for a collection service license as required by section 27 of this chapter from the state veterinarian. ~~on a form provided for him without charge, which~~ **The application includes must include** the name of the applicant, the location of any proposed substation in Indiana to be used as a concentration site for the temporary deposit of storage of rendering materials pending final delivery to ~~said applicant's~~ **a disposal plant**, the location of applicant's disposal plant outside the state of Indiana, ~~and~~ the number and kind of



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vehicles ~~which that~~ will be operated ~~within the state of in~~ Indiana, and such other essential information relative thereto as ~~such officer~~; by his ~~regulations~~; ~~the board~~ may require ~~Such by rule~~. An application ~~shall must~~ be accompanied by an initial installment of one hundred dollars (\$100) on the total annual license fee to apply upon the expenses imposed by ~~under~~ this chapter.

SECTION 126. IC 15-2.1-16-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 29. ~~Collection Service License Application~~. The owner or operator of a disposal plant in a state other than Indiana, who was not engaged in the collection of nonedible by-products within Indiana on January 1, 1976, may apply for a collection service license as required by section 27 of this chapter from the state veterinarian on a form provided for him without charge, which application shall set forth the name of the applicant, the location of his disposal plant, the proposed location of any substation, or substations, in Indiana to be used as a concentration site for the temporary deposit or storage of rendering materials pending final delivery to said applicant's disposal plant, and the number and kind of vehicles which will be operated within the state of Indiana; and such other information relative thereto as such officer, by his regulations, may require. Such application shall be accompanied by an initial installment of one hundred dollars (\$100) on the total annual license fee, to apply to the expenses imposed by this chapter. The state veterinarian shall determine if an applicant for a collection service license meets the requirements for a collection service license within ninety (90) days after the filing of such an application. the state veterinarian shall determine the suitability or unsuitability of said applicant for such license.

SECTION 127. IC 15-2.1-16-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 30. (a) ~~The state veterinarian shall notify~~ an applicant for a license to operate a collection service as ~~provided for in under~~ section 27 of this chapter who is deemed a nonsuitable applicant because a substation of his does ~~that the applicant's application may~~ not comply with the requirements of this chapter or because the vehicles proposed for use within the state of Indiana do not comply with the requirements for vehicles operated by disposal plants within the state of Indiana; shall be notified in writing by the state veterinarian by registered mail, with return receipt, specifying the particulars of the failure to comply and of any further objections the state veterinarian may have: and specifically indicate why the application may not comply. The application will be placed on hold for not more than sixty (60) days during which



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time the applicant may provide additional information showing the deficiencies have been corrected.

(b) Upon being notified in like manner by the applicant that he has any deficiencies have been corrected, the conditions causing such rejection; the state veterinarian shall promptly make a determination as to whether or not such the applicant is entitled to a license.

(c) If the state veterinarian again determines the applicant is not entitled to a license, the state veterinarian may subject to board approval; refuse to consider another application from the same applicant for a year; deny the request for a license. If an application is denied, an applicant may reapply by submitting the information and fees required under this chapter.

SECTION 128. IC 15-2.1-16-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 31. ~~Collection Service License Fees:~~ Each application for a collection service license as provided for in section 27 of this chapter is conditioned upon payment to the state veterinarian of one hundred fifty dollars (\$150) which shall entitle such licensee to maintain one (1) substation and operate four (4) vehicles within the state of Indiana. If the licensee obtains approval for any additional substation; or substations; he shall pay an annual fee of twenty dollars (\$20.00) for each additional substation; and if more than four (4) vehicle certificates are desired; for each additional vehicle the licensee desires to operate; he shall pay an additional annual fee of five dollars (\$5.00) and procure an additional vehicle certificate and metal disc. **of the fees required under section 7 of this chapter for a collections service license, including the appropriate fees for vehicle certificates and substations.**

SECTION 129. IC 15-2.1-16-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 32. ~~Transporting Vehicles:~~ All transport vehicles used in the transportation of any materials to a disposal plant; whether within or without the state of Indiana; which are operated upon the highways of this state; by a collection service must meet the requirements of for transport vehicles used in the transportation of the bodies of dead animals as provided in this chapter.

SECTION 130. IC 15-2.1-16-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 33. ~~Substation Specifications:~~ Any substation maintained by a licensee hereunder under this chapter must be a building with four (4) walls complete and with a roof; and be provided with concrete or cement floors and with good drainage and be thoroughly sanitary in construction and maintenance and rodent proof and fly tight. All sewage or waste water



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1 from said substation shall be disposed of meet the requirements as
2 provided in section 24(a) of this chapter.

3 SECTION 131. IC 15-2.1-16-34 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 34. ~~Inspections:~~ The
5 state veterinarian, in person or by ~~anyone an~~ authorized by ~~him~~, agent,
6 shall inspect each plant and ~~place~~ substation licensed under this
7 chapter at least once each year, and **may inspect plants and**
8 **substations** as often as ~~he may deem is~~ necessary **and to ensure**
9 **compliance with this chapter. The state veterinarian** shall see that
10 the licensees and all other persons comply with this chapter ~~and~~
11 ~~conduct such business in conformity to this chapter and to the~~
12 ~~regulations promulgated pursuant to rules adopted under~~ this chapter.

13 SECTION 132. IC 15-2.1-17-1 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. ~~Application:~~ (a) All
15 applications for license under this article must be made on forms
16 prescribed for that purpose by the board. **The board may require by**
17 **rule that** the facts set forth on the application must be subscribed and
18 sworn to, or affirmed, before a notary public by the applicant or ~~his a~~
19 duly authorized representative and **that** the affidavit shall be
20 considered to be a component part of the application.

21 (b) The application ~~shall must~~ elicit ~~such~~ information as is required
22 by this article to be considered to determine whether a license should
23 be issued, suspended, revoked or denied and such other information as
24 the board considers pertinent.

25 SECTION 133. IC 15-2.1-17-3 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. ~~Validation:~~ **The**
27 **board may adopt a rule that specifies annual or biannual renewal**
28 **of any class of license issued under this article and may establish a**
29 **common renewal date for each class of license.** Each license issued
30 by the board shall be signed by the state veterinarian ~~issued under the~~
31 ~~seal of the board: or the state veterinarian's authorized agent.~~

32 SECTION 134. IC 15-2.1-17-5 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. The board may
34 refuse to issue or reissue **and may** suspend or revoke a license issued
35 under this article for any of the following reasons relating to the
36 licensee or applicant for a license:

- 37 (1) Material misstatement in the application for original license,
38 or in the application for any reissue of a license, under this article.
- 39 (2) Violation of a provision of this article or of a rule or order of
40 the board.
- 41 (3) Abetting another in the violation of a provision of this article
42 or of a rule or order of the board.



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(4) Allowing one's license issued under this article to be used by an unlicensed person.

(5) Conviction of a crime, an essential element of which is misstatement, fraud, or dishonesty.

(6) Conviction for violating a law or regulation of another state, or of the United States, which is materially similar to a substantive provision of this article or a rule of the board.

(7) Suspension or other disciplinary action taken by the secretary of agriculture of the United States pursuant to the Packers and Stock Yards Acts of 1921 (7 U.S.C. ~~181-229~~), **181 through 7 U.S.C. 229**), as amended, wherein it appears that the applicant or licensee committed or participated in the violation covered by such action.

(8) Material misrepresentation or false promises of a character likely to influence, persuade, or induce to action, in connection with any business subject to the provisions of this article.

(9) Failure to possess the qualifications determined by the board to be necessary or to meet the requirements of this article for the issuance or holding of a license.

SECTION 135. IC 15-2.1-18-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. ~~Biological Products Restrictions. No A~~ person ~~shall~~ **may not** use, offer for sale or exchange, or give any substance for the prevention or treatment of any contagious or infectious disease ~~which that~~ contains living germs in a virulent or attenuated state and ~~which that~~ may at any time cause an outbreak of any contagious or infectious disease without first submitting a notice to the state veterinarian describing the substance to be used, sold, given away, or otherwise distributed. **The state veterinarian may require that** a sample of the preparation **be submitted** to the state veterinarian for examination. The state veterinarian may forbid the use of any preparation ~~which that~~ in ~~his the~~ **the state veterinarian's** judgment jeopardizes the health of domestic animals, or causes the masking of a diagnosis of a contagious or infectious disease.

SECTION 136. IC 15-2.1-18-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. ~~Biological Products Manufacturers. It is unlawful to A person may not~~ manufacture, sell, offer for sale, or otherwise distribute within ~~the state,~~ **Indiana**, any biological products for use upon ~~domestic~~ animals unless such biological products are produced at establishments licensed by the United States department of agriculture as provided in 21 U.S.C. ~~151-158~~ **151 through 21 U.S.C. 158** and acts amendatory thereof, or

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at establishments in ~~this state~~ **Indiana** approved by and issued permits by the board. All expenses relative to the required tests for such biologics shall be at the expense of the permittee.

SECTION 137. IC 15-2.1-18-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. ~~Biological Products Approved Vaccine~~. Only vaccine produced at establishments licensed under the Federal Virus-Serum-Toxin Act (21 U.S.C. ~~151-158~~) **151 through 21 U.S.C. 158**) or at establishments in ~~this state~~ **Indiana** approved by the board may be administered to ~~domestic animals in this state~~. **Indiana**. The serial number and the date of expiration of the vaccine shall be affixed to the vaccine ~~contained~~ **container**.

SECTION 138. IC 15-2.1-18-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. ~~Owners of Domestic Animals Duties~~. **Owners and caretakers of domestic animals and agents of owners and caretakers** shall render ~~such any~~ reasonable assistance as may be required to enable the state veterinarian, ~~or his the~~ **state veterinarian's** authorized agent, or an agent of the ~~U.S. United States~~ Department of Agriculture to perform ~~his the person's~~ duty.

SECTION 139. IC 15-2.1-18-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. ~~Duty to Report Dangerous or Diseased Animals~~. The owner of an animal affected with a dangerous or contagious disease shall report to the state veterinarian the existence of the disease within forty-eight (48) hours after knowing it to exist. Any other person knowing or having reason to suspect a dangerous, contagious or infectious disease to exist among ~~domestic~~ animals shall report the same to the **state veterinarian or** local health officer ~~who in turn not more than forty-eight (48) hours after discovering the condition exists. A local health officer that receives a report from a person under this section~~ shall report it within twenty-four (24) hours to the state veterinarian.

SECTION 140. IC 15-2.1-18-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. ~~Indemnification~~. The owner of any ~~domestic~~ animal, feed, or other material condemned shall be indemnified in accordance with this article and regulations governing the payment of indemnity by the state or by the state in cooperation with the federal government. The length of time in which any of the animals have been in the state which are condemned under this article shall in no way be controlling with respect to the payment of indemnity.

SECTION 141. IC 15-2.1-18-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 16. ~~Condemnation~~. The



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board or its agent may condemn and control the disposition thereof, after satisfactory appraisal has been made in accordance with the regulations of the board or the United States department of agriculture, any ~~domestic~~ animal affected or suspected to be infected with foot and mouth disease, glanders or such other diseases which present unforeseeable aspects, insofar as control and eradication of such diseases is concerned and which, in the opinion of the board, present a definite health hazard to the livestock industry **or other animals** of the state. Feed or other material exposed to such diseases may likewise be condemned after appraisal and shall be destroyed or disposed of in such a manner as the board may direct.

SECTION 142. IC 15-2.1-18-16.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 16.5. The board may purchase an animal for the purpose of diagnosing, evaluating, preventing, controlling, and eradicating diseases that present a definite health hazard to the livestock industry or other animals in Indiana.**

SECTION 143. IC 15-2.1-18-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 18. All ~~moneys~~ **money** received by the state veterinarian under this chapter shall be reported ~~by him~~ to the auditor of state at the end of each month or at such other time as may be prescribed by law, and at the same time ~~he the state veterinarian~~ shall deposit the entire amount of ~~such the~~ receipts with the treasurer of state for deposit in the state general fund.

SECTION 144. IC 15-2.1-21-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. (a) This section does not apply to ~~IC 15-2.1-22~~, IC 15-2.1-23 or IC 15-2.1-24.

(b) A person who knowingly or intentionally violates or fails to comply with this article commits a Class D felony.

(c) A person who knowingly or intentionally violates or fails to comply with a rule adopted under this article commits a Class A infraction.

SECTION 145. IC 15-2.1-21-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. (a) This section does not apply to ~~IC 15-2.1-22~~, IC 15-2.1-23 or IC 15-2.1-24.

(b) A person who violates a provision of this article, or any rule adopted under this article, or who violates any determination or order of the board or an agency made under this article, is liable for a penalty not to exceed twenty-five thousand dollars (\$25,000) for each day of the violation, plus payment to the board for the costs incurred by the board that were incurred as a direct consequence of prosecution for the violation. These penalties and costs may be recovered in a civil action



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commenced in any court of competent jurisdiction by the board or an agency. In addition, in an action to recover the penalty, a request may be made that the person be enjoined from continuing the violation.

SECTION 146. IC 15-2.1-23-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) A person may not produce, provide, sell, offer, or expose for sale, or have in possession with intent to sell, milk or a milk product that is adulterated or misbranded.

(b) A person who retains a permit under this chapter may not produce, provide, sell, offer, or expose for sale, or have in possession with intent to sell, milk or a milk product that is adulterated or misbranded.

(c) Adulterated or misbranded milk or milk product may be impounded by the board and disposed of in accordance with IC 16-42-1 ~~through IC 16-42-4~~ and IC 16-42-2-6. For purposes of this section, references in IC 16-42-1 ~~through IC 16-42-4~~ and IC 16-42-2-6 to "state health commissioner" refer to the state veterinarian and references to "department" refer to the board.

(d) Milk and milk products must conform to all of the standards in this chapter and in the rules adopted by the board. But, if there is an emergency, general, and acute shortage of milk in a milkshed, the board may authorize the sale of pasteurized milk that does not fully meet the requirements of this chapter.

SECTION 147. IC 15-2.1-23-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) **A person who operates a milk plant, operates a receiving station or transfer station, acts as a milk distributor, acts as a bulk milk hauler/sampler, operates a milk tank truck, operates a dairy farm, operates a milk tank truck cleaning facility, operates a business that manufactures containers for milk or milk products, or any other person, who does not possess a permit from the board may not:**

- (1) bring, send, or receive into Indiana for sale;
- (2) sell or offer for sale in Indiana; or
- (3) store in Indiana;

any milk or milk products. Grocery stores, restaurants, soda fountains, and similar establishments where milk or milk products are served or sold at retail, but not processed, are exempt from the requirements of this section. **The board may recognize a permit issued by another state for a truck used to transport milk instead of issuing an Indiana permit for the same truck.**

(b) A person desiring a permit required by this chapter must make written application, in the form prescribed by the board, to the board

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1 for such a permit.

2 (c) Only a person who complies with this chapter is entitled to
3 receive and retain a permit. Permits are not transferable with respect to
4 persons or locations. ~~A permit is valid for twelve (12) months and must~~
5 ~~be renewed annually.~~

6 (d) The board shall suspend a permit whenever:

- 7 (1) there is reason to believe that a public health hazard exists;
- 8 (2) the permit holder has violated any of the requirements of this
9 chapter; or
- 10 (3) the permit holder has interfered with the board in the
11 performance of the board's duties.

12 (e) The board shall:

- 13 (1) in all cases except where the milk or milk product involved
14 creates or appears to create an imminent hazard to the public
15 health; or

- 16 (2) in any case of a willful refusal to permit authorized inspection;
17 serve upon the holder a written notice of intent to suspend the permit
18 under IC 4-21.5. A suspension of a permit **is effective immediately**
19 **and** remains in effect until the violation has been corrected to the
20 satisfaction of the board.

21 (f) When a permit suspension has been due to a violation of any of
22 the bacterial, coliform, somatic cell, or cooling temperature standards,
23 the board shall, not later than one (1) week after the receipt of a written
24 application for reinstatement of a permit, issue a temporary permit after
25 determining by an inspection of the facilities and operating methods
26 that the conditions responsible for the violation have been corrected.
27 Samples must then be taken at the rate of not more than two (2) per
28 week on separate days within a three (3) week period, and the board
29 shall reinstate the permit upon compliance with the appropriate
30 standard, as determined in accordance with section 5 of this chapter.

31 (g) If a permit suspension was due to a violation of a **drug residue**
32 **test requirement or a** requirement other than the bacteriological,
33 coliform, somatic cell, or cooling temperature standards, the
34 application **for reinstatement** must contain a written statement to the
35 effect that the violation has been corrected. Not later than one (1) week
36 after the receipt of an application, the board shall make an inspection
37 of the applicant's establishment and as many subsequent additional
38 inspections as are considered necessary to determine that the
39 applicant's establishment is complying with the requirements. When
40 the findings justify, the permit must be reinstated. **If a permit**
41 **suspension is due to drug residues, the permit shall be reinstated in**
42 **accordance with section 6.5 of this chapter.**



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(h) ~~Upon repeated violations,~~ The board may refuse to **issue or reissue, may suspend for a definite time,** or may revoke the permit in accordance with IC 4-21.5-3.

(i) permits issued under this chapter for repeated violations of this chapter or a rule adopted by the board. The issuance or revocation of a permit under this section must be conducted in accordance with IC 4-21.5.

(i) A permit issued under this chapter expires as follows:

(1) On December 31 of the year in which the permit was issued. Permits issued within the last three (3) months of a year may be issued until December 31 of the following year.

(2) Upon discontinuance of operation for a period of ninety (90) days.

(3) Upon the expiration of the permit or the revocation of the permit by the board.

(4) Upon the sale or other transfer of an operation to a different owner or operator.

(5) For a milk distributor, milk plant, receiving station, transfer station, or milk tank truck cleaning facility, a transfer of the place of business from one (1) building or room to another.

(j) The board ~~shall~~ **may** adopt rules under IC 4-22-2 to implement this section.

SECTION 148. IC 15-2.1-23-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) ~~The board shall, before the issuance of a permit, inspect each dairy farm, milk plant, receiving station, and transfer station whose milk or milk products are intended for consumption in Indiana. The state veterinarian shall examine each application for a permit required in this chapter. If it appears from the application that the applicant for a permit has complied with all statutes and rules enforced by the board, the state veterinarian shall cause the premises, location, equipment, and operating practices of the applicant to be inspected not later than ten (10) days after the receipt of the application for a permit. If the premises, location, equipment, and operating practices comply with all of the applicable provisions of this article and the rules of the board, the state veterinarian shall issue a permit entitling the applicant to engage in the business for which the application was submitted.~~

(b) Following the issuance of a permit, the board ~~may, to determine compliance with this chapter, inspect the licensee's facility, procedures, and equipment. The board shall inspect~~ **conduct** the



following **inspections**:

(1) Each dairy farm and transfer station at least one (1) time every six (6) months.

(2) Each milk plant and receiving station at least one (1) time every three (3) months.

(c) If the board finds a violation of **the standards for Grade A milk adopted under** section 6 of this chapter, a second inspection is required after the time thought necessary to remedy the violation but not sooner than three (3) days. The reinspection must be used to determine compliance with the requirements **of adopted under** section 6 of this chapter. A violation of the same requirement **of section 6 of this chapter** on the reinspection results in permit suspension in accordance with section 2 of this chapter or court action, or both.

(d) One (1) copy of the inspection report must be:

(1) handed to the operator or other responsible person; or

(2) posted in a conspicuous place on an inside wall of the establishment.

The inspection report may not be defaced and must be made available to the board upon request. An identical copy of the inspection report must be filed with the records of the board.

(e) A ~~milk producer, hauler, distributor, or plant operator~~ **person licensed under this chapter** shall, upon request of the board, permit access of officially designated persons to all parts of the ~~milk producer's, hauler's, distributor's, or plant operator's person's~~ establishment or facilities to determine compliance with this chapter. A distributor or plant operator shall furnish the board, upon request and for official use only, a true statement of the actual quantities of milk and milk products of each grade purchased and sold and a list of all sources of the milk and milk products, records of inspection, tests, and pasteurization time and temperature records.

(f) A person who, in an official capacity, obtains under this chapter any information that is entitled to protection as a trade secret, including information as to quantity, quality, source, or disposition of milk or milk products, or results of inspections or tests, may not use the information to the person's own advantage or reveal the information to an unauthorized person.

SECTION 149. IC 15-2.1-23-3.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 3.3. If the board finds unsanitary conditions existing in violation of sanitary statutes or rules of the state or a violation of this chapter:**

(1) on a dairy farm;



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(2) in a milk plant, receiving station, transfer station, or milk tank truck cleaning facility; or

(3) by a milk distributor, bulk milk hauler/sampler, owner of a can milk route, or owner of a milk tank truck;

the board shall, by notice in writing to the person committing the violation, prohibit the sale or transportation of raw or pasteurized milk or milk products until the unsanitary condition or violation is removed to the satisfaction of the board and the prohibition is terminated.

SECTION 150. IC 15-2.1-23-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3.5. (a) A milk plant, receiving station, or transfer station that receives raw milk or raw cream from a producer of raw milk or raw cream shall employ at least one (1) approved grader.

(b) The board may issue an approved grader permit to a person if the person meets the following requirements:

(1) The person has submitted an application for an approved grader permit to the board.

(2) The person is trained by school or experience to grade and inspect raw milk or raw cream.

(3) The applicant has passed an examination given by the board.

(c) An application to renew an approved grader permit must be made on forms prescribed by the board.

(d) A permit of approval does not authorize an approved grader to be an official employee, an agent, or a representative of the board. An approved grader may not profess to be an employee, an agent, or a representative of the board.

SECTION 151. IC 15-2.1-23-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) A bottle, container, or package enclosing milk, Grade A dry milk products, or milk products must be labeled in accordance with the rules of the board.

(b) A vehicle or transport tank containing milk or milk products must be legibly marked with the name and address of the milk plant or hauler in possession of the contents.

(c) A tank transporting raw, **heat treated, or pasteurized** milk or milk products to a milk plant from sources of supply not under the routine supervision of the board must be marked with the name and address of the milk plant or hauler and must be sealed. In addition, for each shipment a shipping statement must be prepared containing at

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least the following information:

- (1) The shipper's name, address, and permit number.
- (2) The permit number of the hauler if not an employee of the shipper.
- (3) The point of origin of shipment.
- (4) The tanker identity number.
- (5) The name of the product.
- (6) The weight of the product.
- (7) The grade of the product.
- (8) The temperature of the product.
- (9) The date of shipment.
- (10) The name of the supervising agent of the state regulatory authority at the point of origin.
- (11) Whether the contents are raw, pasteurized, or otherwise heat treated.
- (12) The seal number on inlet, outlet, and wash connections and vents.**
- (13) The grade of the product.**
- (14) The antibiotic test results.**

(d) The statement must be prepared in triplicate and must be kept on file by the shipper, the consignee, and the carrier for six (6) months for the information of the board.

(e) The labeling information that is required on all bottles, containers, or packages of milk or milk products must be in letters of an acceptable size, kind, and color satisfactory to the board and must contain no marks or words that are misleading.

SECTION 152. IC 15-2.1-23-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) **Samples of raw and processed milk and milk products shall be collected as required under this section and rules adopted by the board as follows:**

(1) A bulk milk hauler/sampler shall collect a representative sample of the milk from each farm tank before collecting the milk for delivery. Each sample must be labeled so as to identify the farm of origin. Each sample must be delivered to a milk plant, receiving station, transfer station, or other location approved by the board.

(2) During a consecutive six (6) months, at least four (4) samples of raw milk for pasteurization must be ~~taken~~ collected from each milk producer. and The samples must be taken at least twenty (20) days apart.

(3) During six (6) consecutive months, at least four (4) samples



of raw milk for pasteurization must be ~~taken~~ **collected** from each milk plant, after receipt of the milk by the milk plant and before pasteurization. ~~However, The four (4) samples taken from the producer may not be taken in the same month and the samples from the milk plant may not must be taken in the same month. In addition, at least twenty (20) days apart.~~

(4) During any consecutive six (6) months, at least four (4) samples of pasteurized milk, **heat treated milk**, and at least four (4) samples of milk products and Grade A dry milk products must be taken from every milk plant. ~~However, The samples may not must be taken in the same month. at least twenty (20) days apart.~~

Samples of milk and milk products must be taken while in possession of the producer or distributor at any time before final delivery. Samples of milk and milk products from dairy retail stores, food service establishments, grocery stores, and other places where milk and milk products are sold must be examined periodically as determined by the board, and the results of the examination must be used to determine compliance with ~~sections 1, 4, and 9~~ of this chapter. Proprietors of such establishments must furnish the board, upon the board's request, with the names of all distributors from whom milk or milk products are obtained.

(b) ~~Required~~ Bacterial counts, somatic cell counts, and cooling temperature checks must be performed on raw milk for pasteurization **as required by the board.**

(c) In addition, antibiotic tests on ~~each producer's milk from each producer's farm~~ must be conducted at least four (4) times during any consecutive six (6) months, but not in the same month. Antibiotic testing of commingled milk from bulk milk vehicles must be conducted as specified by the United States ~~Public Health Service~~ **Food and Drug Administration** or the board. When commingled milk is tested, all producers must be represented in the sample. All individual sources of milk must be tested when test results on the commingled milk are positive. The milk plant, receiving station, or transfer station shall conduct or have conducted all **tests required by the board on** milk producer raw milk sample laboratory analyses and forward the results of the analyses to the board. ~~Required~~

(d) Bacterial counts, coliform determinations, phosphatase, and cooling temperature checks must be performed on pasteurized milk and milk products **as required by rules adopted by the board.**

~~(e)~~ (e) Whenever two (2) of the last four (4) consecutive bacteria **and counts**, somatic cell counts, coliform determinations, or cooling

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temperatures taken on separate days exceed the limit of the standard for milk or milk products, the board shall send a written notice to the person concerned. This notice remains in effect as long as two (2) of the last four (4) consecutive samples exceed the limit of the standard. An additional sample must be taken not later than ~~fourteen (14)~~ **twenty-one (21)** days after sending the notice, but not before the lapse of three (3) days. Immediate suspension of a permit ~~under section 2 of this chapter~~ or court action, or both shall be instituted whenever the standard is violated by three (3) of the last five (5) bacteria counts, somatic cell counts, coliform determinations, or cooling temperatures.

~~(d)~~ **(f)** Whenever a phosphatase test is positive, the cause must be determined. When the cause is improper pasteurization, the problem must be corrected and any milk or milk product involved may not be offered for sale.

~~(e)~~ **(g)** Samples must be analyzed at an official or appropriate officially designated laboratory. All sampling procedures and required laboratory examinations must be in substantial compliance with **the most current edition of the** Standard Methods for the Examination of Dairy Products of the American Public Health Association and the **most current edition of the** Official Methods of Analyses of the Association of Official Analytical Chemists. These procedures and examinations must be evaluated in accordance with the methods of evaluating milk laboratories recommended by the United States ~~Public Health Service~~ **Food and Drug Administration. Aseptically processed milk and milk products packaged in hermetically sealed containers shall be tested in accordance with the United States Food and Drug Administration's Bacteriological Analytical Manual.**

(h) Examinations and tests must be conducted to detect adulterants, including pesticides, as the board requires. Assays of Vitamin D milk or milk products and fortified milk and milk products must be made at least annually by ~~the~~ **a** milk plant in a laboratory acceptable to the board. **Facilities fortifying products with vitamins must keep volume control records that cross-reference the form and amount of vitamin D and vitamin A used with the amount of product produced.**

SECTION 153. IC 15-2.1-23-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) ~~Grade A Raw~~ **milk for processing and milk** and milk products must conform to all of the standards in the rules adopted by the board.

(b) The board shall adopt **a rule and may adopt** emergency rules under IC 4-22-2-37.1 to establish standards for Grade A milk **and milk**



products. The standards adopted under this section must be:

(1) the same as; or

(2) at least as effective in protecting health as;

the federal standards for Grade A milk adopted by the National Conference on Interstate Milk Shipments in accordance with the national conference's Memorandum of Understanding with the United States Department of Health and Human Services, Food and Drug Administration, including amendments to the federal standards in effect June 30, 1993.

(c) The board shall determine when an amendment to federal standards described in subsection (b) has been adopted. If the board determines that an amendment to the federal standards has been adopted, the board shall adopt **rules and may adopt** emergency rules under IC 4-22-2-37.1 to amend the rules adopted by the board under subsection (b) ~~An emergency rule adopted under this subsection must~~ to provide a standard that is:

(1) the same as; or

(2) at least as effective in protecting health as;

the amendment to the federal standards for Grade A milk. ~~An emergency rule adopted under this subsection must take effect not later than sixty (60) days after the date of publication of the amendment to the federal standards.~~

(d) ~~Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted under this section does not expire. The board may adopt standards for the production of manufacturing grade milk products.~~

(e) The board may do the following:

(1) **Adopt rules defining grades of raw milk and milk products and various tests to be made at different intervals in the receipt of raw milk and milk products for the manufacturing or processing of milk and milk products.**

(2) **Adopt sanitary rules concerning the sampling, production, manufacturing, processing, handling, packing, storing, distributing, and transporting of milk and milk products for the enforcement of this chapter.**

(3) **Provide that raw milk and milk products that do not meet the minimum standards provided and that are unfit for human consumption be destroyed or otherwise removed from distribution channels for human food in a manner provided by rule.**

(4) **Require training for bulk milk hauler/samplers.**

SECTION 154. IC 15-2.1-23-6.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS



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[EFFECTIVE JULY 1, 2001]: Sec. 6.3. (a) A person may not manufacture, sell, exchange, or have in the person's possession with intent to sell or exchange, any milk or milk product that:

(1) does not conform to at least the minimum standards established and approved by the board; and

(2) is packaged in a container or wrapping with labeling that has not been approved by the board.

(b) A person may not manufacture, sell, exchange, or deliver, or have in the person's possession with intent to sell, exchange, or deliver, milk, cream, skim milk, condensed milk, evaporated milk, or powdered milk that is mixed with sugar, eggs, flavors, or other substances if:

(1) made in imitation or semblance of ice cream; or

(2) calculated or intended to be sold as ice cream or for ice cream;

and that does not conform with the standards for ice cream as approved and adopted by the board.

(c) This chapter does not prohibit the delivery to and the receiving of identifiable refillable milk containers by exchanges in the usual course of business and for the bona fide purpose of restoring the containers to the lawful owners.

SECTION 155. IC 15-2.1-23-6.5, AS AMENDED BY P.L.1-1999, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6.5. (a) The following definitions apply throughout this section:

(1) "DP" or "daily production" means the amount of milk, measured by hundred weight, produced by the positive producer in one (1) day, measured on the day in which the drug residue violation occurred.

(2) "PR" or "producer reimbursement" means an amount assessed against the positive producer to reimburse others for milk contaminated by the positive producer's contaminated milk, not including the value of the positive producer's contaminated milk for which he or she was not paid.

(3) "Revocation period" means the period after a Grade A producer's permit is revoked under this section that the producer may not apply for a Grade A permit.

(b) A penalty established under this section may not be more severe than the penalty standard for drug residue violations adopted by the National Conference on Interstate Milk Shipments in its Pasteurized Milk Ordinance adopted in accordance with the National Conference's Memorandum of Understanding with the United States Department of

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Health and Human Services, Food and Drug Administration. The penalty imposed may not exceed one thousand dollars (\$1,000) for a first offense or two thousand dollars (\$2,000) for a subsequent offense.

(c) The board may impose a civil penalty ~~for violations of laws that prohibit described in this section on a person that sells or offers to sell milk that contains~~ drug residues. ~~in milk and milk products as described in this section.~~

(d) Milk shall be screened for drug residue violations as follows:

(1) Except as provided in subdivision (2), milk shall be screened for drug residues ~~under Appendix N of~~ **as required by this chapter and rules adopted by the board. The board may adopt rules governing testing for drug residues in milk that are at least as effective in protecting the public health as the federal standards adopted by the National Conference on Interstate Milk Shipments in the Pasteurized Milk Ordinance. (345 IAC 8-3-1).**

(2) Milk from manufacturing grade dairy farms shall be tested for drug residues ~~under 345 IAC 8-2-3.~~ **as required by this chapter and rules adopted by the board.**

(3) All milk that tests positive for drug residues must be disposed of in a manner that removes it from the human and animal food chain or that acceptably reconditions the milk under United States Health and Human Services – Food and Drug Administration compliance policy guidelines. In all cases of drug residue violations, a producer may not resume shipping milk until a drug test conducted by ~~a certified~~ **an officially designated** laboratory shows the producer's milk is negative for drug residues and the test results are reported to the office of the state veterinarian.

(4) All positive drug residue test results must be called into the office of the state veterinarian immediately, and a written report of the test results must be faxed or delivered to the office of the state veterinarian within twenty-four (24) hours of the test. The producer whose milk tested positive must be notified of the positive drug residue test immediately. The company that conducted the test is responsible for the reporting requirements in this subdivision.

(5) A producer whose milk tests positive for drug residues shall pay a civil penalty and participate in drug residue education activities as follows:

(A) The following is imposed on a producer for the first positive test for drug residues within a twelve (12) month period:



(i) The positive producer must pay a civil penalty to the board equal to the result of the following equation:
 (DP times two (2) days times three dollars (\$3)) minus PR.
 However, if the result is less than five dollars (\$5) then the civil penalty is five dollars (\$5).

(ii) The positive producer must, in conjunction with the producer's veterinarian and an official of the board, complete the "Milk and Dairy Beef Residue Prevention Protocol" and provide proof of completion to the board of animal health, office of the state veterinarian within thirty (30) days of the drug residue violation. Failure to complete the Protocol and submit proof of completion within thirty (30) days will result in action to suspend the producer's permit.

(B) The following is imposed for a second positive test for drug residues within a twelve (12) month period:

(i) The positive producer must pay a civil penalty to the board equal to the result of the following equation:
 DP times four (4) days times three dollars (\$3).
 However, if the result is less than five dollars (\$5) then the civil penalty is five dollars (\$5).

(ii) The positive producer must, in conjunction with the producer's veterinarian and an official of the board, complete the "Milk and Dairy Beef Residue Prevention Protocol" and provide proof of completion to the board of animal health - office of the state veterinarian within thirty (30) days of the drug residue violation. Failure to complete the Protocol and provide proof of completion will result in action to suspend the producer's permit.

(iii) The producer must attend a producer education program or meeting designated by the state veterinarian. The producer is responsible for paying registration and material fees and other costs associated with attending the education program or meeting. The producer must provide proof of attendance to the state veterinarian within ten (10) days of completion of the program or meeting.

(C) The third positive test result for drug residues within a twelve (12) month period shall result in the following:

(i) The board revoking a producer's Grade A permit if the producer has a permit.

(ii) The sanctions for a second offense set forth in clause (B) are imposed.

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(iii) The producer must submit to the state veterinarian a set of written procedures that the producer will follow to prevent future drug residue violations. The procedures must be submitted with the proof of completion required in clause (B) and must be specific, practical, and reasonably likely to lessen the possibility of a drug residue violation when followed by the producer.

(iv) After a producer's Grade A permit is revoked for a third offense violation under this statute, the producer may not receive a new Grade A permit for a revocation period of thirty (30) days from the date of the revocation. After the revocation period, the state veterinarian must issue a conditional Grade A permit to a producer that has applied for a permit if the producer has met all of the requirements of this section at the time of application and the producer meets all other requirements of the board for obtaining a Grade A permit. The permit must be issued on the condition that all of the requirements of this section must be completed within the time set forth in this section. A permit issued under this item automatically becomes unconditional after the producer fully complies with all of the provisions of this section.

(D) For each drug residue violation in a twelve (12) month period in excess of three (3) the producer is subject to the penalties for a third offense in clause (C), but for Grade A producers the revocation period will begin on the date the producer's permit is revoked and run for a period equal to two (2) times the length of the revocation period imposed after the producer's last drug residue violation.

(e) The state veterinarian may, by special permit, allow a producer that objects to the imposition of a civil penalty to dump two (2) days of milk production on a first offense and four (4) days of milk production on the second or third offense instead of paying a civil penalty if payment of a civil penalty would impose undue hardship on a producer. The state veterinarian may set the conditions under which the milk is to be dumped and may require documentation from the producer showing the circumstances under which the milk was dumped.

(f) Civil penalties collected under this section shall be deposited in the dairy drug residue abatement fund established under section 17 of this chapter.

SECTION 156. IC 15-2.1-23-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. (a) Milk for

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1 pasteurization must be from herds that are located in a modified
 2 accredited tuberculosis area as determined by the United States
 3 Department of Agriculture. Herds located in an area that fails to
 4 maintain accredited status must be accredited by the United States
 5 Department of Agriculture as tuberculosis free or must have passed an
 6 annual tuberculosis test.

7 (b) Milk for pasteurization must be from herds under a brucellosis
 8 eradication program that meets one (1) of the following conditions:

9 (1) Located in certified brucellosis-free areas as defined by the
 10 United States Department of Agriculture and enrolled in the
 11 testing program for the area.

12 ~~(2) Located in a modified certified brucellosis area as defined by~~
 13 ~~the United States Department of Agriculture and enrolled in the~~
 14 ~~testing program for the area.~~

15 ~~(3)~~ (2) Meets United States Department of Agriculture
 16 requirements for an individually certified herd.

17 ~~(4)~~ (3) Participates in a milk ring testing program that is
 18 conducted on a continuing basis at intervals of not less than ~~every~~
 19 ~~three (3) months or more than~~ every six (6) months with
 20 individual blood tests on all animals in herds showing suspicious
 21 reactions to the milk ring tests.

22 ~~(5)~~ (4) Conducts an individual blood agglutination test annually
 23 with an allowable maximum grace period not exceeding two (2)
 24 months.

25 (c) **Goat milk and sheep milk for pasteurization must be from a**
 26 **herd or flock that meets health requirements adopted by rule of the**
 27 **board.**

28 (d) For a disease other than brucellosis and tuberculosis, **and for**
 29 **conditions other than disease that may adversely affect public**
 30 **health**, the board shall require physical, chemical, or bacteriological
 31 tests as the board considers necessary. The diagnosis of other diseases
 32 in dairy cattle, **goats, and sheep** must be based upon the findings of a
 33 licensed veterinarian or a veterinarian in the employ of an official
 34 agency. A diseased animal ~~disclosed by the tests~~ must be disposed of
 35 as the board directs.

36 (e) **Records documenting the tests required in this section shall**
 37 **be validated with the signature of a licensed veterinarian**
 38 **accredited by the United States Department of Agriculture or a**
 39 **board veterinarian.**

40 SECTION 157. IC 15-2.1-23-7.5 IS ADDED TO THE INDIANA
 41 CODE AS A NEW SECTION TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2001]: **Sec. 7.5. Raw milk from dairy farms**



that do not have a valid permit from the board to sell Grade A raw milk for pasteurization must be cooled to sixty (60) degrees Fahrenheit and be maintained at that temperature at the point of origin unless the milk is delivered to a receiving station or transfer station within two (2) hours after milking.

SECTION 158. IC 15-2.1-23-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. (a) Only Grade A pasteurized milk, ~~and Grade A pasteurized milk products, and manufacturing grade milk products that meet the requirements of this chapter, including rules adopted under this chapter,~~ may be sold to the final consumer or to restaurants, soda fountains, grocery stores, or similar establishments.

(b) A municipality or county may not do the following:

(1) Impose different standards or requirements for Grade A milk and milk products **or manufacturing grade milk products** than those provided for in this chapter.

(2) Prohibit the sale of milk or a milk product if the milk or milk product has been produced and processed as ~~Grade A milk and milk products~~ in accordance with this chapter.

(c) A milk product other than a milk product ~~described in IC 15-2.1-2-28.9(b)~~ that bears a Grade A label must meet the requirements for the production, processing, and handling of Grade A milk. This labeling requirement does not apply to butter or to any other product that is excluded by rules of the board.

SECTION 159. IC 15-2.1-23-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8.5. (a) A person may not offer or expose for sale, sell, or deliver, or have possession of with intent to sell or deliver, milk or milk products for human consumption unless every particle of the final mixture of the milk or milk products used in processing or manufacture has been thoroughly pasteurized by equipment approved by the board.

(b) The provisions of this chapter governing pasteurization do not apply to a person selling or offering for sale cheddar cheese that has been made from unpasteurized milk if:

(1) the cheese was made from unpasteurized milk and has been cured or ripened for not less than sixty (60) days at a controlled temperature of not less than thirty-five (35) degrees Fahrenheit; or

(2) the cheese is manufactured solely for the purpose of being made into processed cheese that is pasteurized during the blending or manufacturing process.



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Varieties of cheese other than that of the cheddar type made from unpasteurized milk must be ripened for the time and under the conditions prescribed by rule of the board. Cheese made from unpasteurized milk and offered or exposed for sale to the consumer must be labeled by the manufacturer or distributor with the manufacturer's or distributor's name and address or an equivalent identifying number or symbol and with the date of manufacture or a statement to the effect that the cheese has been cured or ripened for at least sixty (60) days.

(c) A pasteurizer of any milk or milk products must be equipped with accurate indicating thermometers and accurate recording thermometers and, for vat pasteurization equipment, an accurate airspace thermometer of a type approved by the board. Each recording thermometer chart must be dated and numbered and must show the amount in gallons, the kind of product pasteurized, the accurate readings of the indicating thermometers and airspace thermometers, the time the reading was made, and the operator's initials. Each chart may not be used for more than one (1) day of operations. The records of the pasteurization of each batch pasteurized must be retained for at least ninety (90) days.

SECTION 160. IC 15-2.1-23-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. (a) Except as permitted in this section, a milk producer or distributor may not transfer milk or milk products from one (1) container or tank truck to another on the street, in a vehicle, store, or in any place except a milk plant, receiving station, transfer station, or milkhouse especially used for that purpose. The dipping or ladling of milk or fluid milk products is prohibited. **A can milk hauler or a bulk milk hauler/sampler may not sample raw milk or milk products for the purpose of testing for butterfat or transfer raw milk or milk products from one (1) can or vehicle to another while in transit except in a receiving station, transfer station, or in conformity with the statutes and rules enforced by the board.**

(b) A person may not sell or serve milk or a fluid milk product except in the individual, original container received from the distributor or from an approved bulk dispenser. However, this requirement does not apply to the following:

- (1) Milk for mixed drinks requiring less than one-half (1/2) pint of milk.
- (2) Cream, whipped cream, or half-and-half that is consumed on the premises and that may be served from the original container of not more than one-half (1/2) gallon capacity or from a bulk



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dispenser approved for such service by the board.

(c) A person may not sell or serve pasteurized milk or a milk product that has not been maintained at a temperature ~~in accordance with the rules adopted under section 6 of this chapter:~~ **required by rule adopted by the board.** If containers of pasteurized milk or milk products are stored in ice, the storage container must be properly drained.

SECTION 161. IC 15-2.1-23-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 9.5. (a) A person may not place or cause to be placed in a milk can or receptacle any sweepings, refuse, dirt, litter, garbage, filth, or any other animal or vegetable substance liable to decay and tending to produce or promote an unsanitary condition.**

(b) A person may not allow a can or receptacle to remain uncleaned or bring or deliver to a person an uncleaned can or a receptacle for the purpose of return, or bring or deliver any milk, cream, or ice cream can or receptacle for the purpose of delivery or shipment to any person or creamery engaged in selling or shipping substances for consumption as human food, when the can or receptacle contains particles of milk, cream, ice cream, or other substance prohibited from being placed there.

SECTION 162. IC 15-2.1-23-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 10. Milk and milk products from points beyond the limits of routine outside Indiana and not subject to the board's inspection of the state may be sold in Indiana if the following conditions are met:**

(1) The milk and milk products are produced and pasteurized under rules that are substantially equivalent to this chapter.

(2) The milk and milk products have been awarded an acceptable milk sanitation compliance and enforcement rating made by a state milk sanitation rating officer certified by the United States ~~Public Health Service:~~ **Food and Drug Administration.**

(3) The **milk originates from an area where the** unit of government accepts Indiana Grade A milk and milk products certified by an Indiana sanitation rating officer.

SECTION 163. IC 15-2.1-23-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 13. Properly prepared plans for each milkhous, milking barn, stable, parlor, transfer station, milk plant, milk tank truck cleaning facility, and receiving station regulated under this chapter that is constructed, reconstructed, or extensively altered must be submitted to the board for written approval**



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before work is begun.

SECTION 164. IC 15-2.1-23-15.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 15.5. A person who is licensed under this chapter or who is engaged in:**

- (1) the production, transportation, processing, or packaging of raw or pasteurized milk and milk products;
- (2) the business of selling or distributing products described in subdivision (1) for human consumption; or
- (3) the business of manufacturing containers for milk and milk products;

may not prevent the inspectors and agents of the board from performing official duties.

SECTION 165. IC 15-2.1-23-15.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 15.8. The board shall enforce this chapter and for that purpose may enter upon and inspect premises on which containers are stored, suspected of being stored, or trafficked in or on premises where raw or pasteurized milk or milk products are produced, purchased, received, transferred, transported, stored, processed, or put in containers to be offered for sale or sold or distributed for human consumption.**

SECTION 166. IC 15-2.1-23-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 16. (a) A person who recklessly violates or fails to comply with this chapter commits a ~~Class C~~ **Class B** misdemeanor.**

(b) Each day a violation continues constitutes a separate offense.

SECTION 167. IC 15-2.1-24-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 1. It is the intent of this chapter to do the following:**

- (1) Safeguard the public health and promote public welfare by:
 - (A) preventing the slaughter of dead, dying, disabled, or diseased livestock or poultry for human food purposes; **and**
 - (B) **preventing the manufacture, processing, storage, transportation, and sale of adulterated meat and poultry products for human food purposes.**
- (2) Eliminate the manufacture, processing, distribution, and sale of fraudulent, misbranded, or deceptive products of livestock and poultry origin.
- (3) Prohibit the use of nonhumane methods in the slaughter of livestock and poultry.
- (4) Provide for humane slaughter of livestock and poultry and for



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meat and poultry products inspection programs that will impose and enforce requirements with respect to intrastate operations and commerce that are at least equal to those imposed and enforced under the federal Humane Slaughter Act (7 U.S.C. 1901 et seq.), the federal Meat Inspection Act (21 U.S.C. 601 et seq.), and the federal Poultry Products Inspection Act (21 U.S.C. 451 et seq.) with respect to operations and transactions in interstate commerce.

(5) Aid in the control of livestock and poultry diseases by discovering the origins of diseased livestock and poultry found in antemortem inspections and obtaining samples of blood and tissue specimens as considered necessary for the control of livestock and poultry diseases.

SECTION 168. IC 15-2.1-24-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. To accomplish the objectives ~~stated in section 1(4)~~ of this chapter, the board or ~~state veterinarian shall~~ **agents of the board may** do the following:

(1) Require by rules **the following**:

(A) Antemortem and postmortem ~~inspections~~; **inspection of livestock and poultry slaughtered for distribution as human food.**

(B) ~~The~~ quarantine, segregation, and ~~reinspections with respect to the slaughter inspection~~ of livestock and poultry ~~and the preparation slaughtered, and~~ of livestock products and poultry products **processed or prepared for distribution** at all ~~recognized~~ establishments in Indiana, except those exempted under section 13 of this chapter. ~~at which livestock or poultry are slaughtered or livestock products or poultry products are prepared for human food solely for distribution in commerce.~~

(2) Require by rules the following:

(A) The identification of livestock and poultry for inspection purposes.

(B) The marking and labeling of livestock products or poultry products or their containers, or both, as:

(i) "Indiana Inspected and Passed" if the products are found upon inspection to be not adulterated; ~~or~~

(ii) "Indiana Inspected and Condemned" if the products are found upon inspection to be adulterated; ~~or~~

(iii) **"Not for Sale" if the products are produced under an exemption from inspection.**

(C) The destruction for food purposes of all condemned



- 1 products under the supervision of an inspector.
- 2 (3) Prohibit the entry into official establishments of livestock
- 3 products and poultry products not prepared under federal
- 4 inspection or inspection under this chapter and further limit the
- 5 entry of those articles and other materials into official
- 6 establishments under conditions that the board ~~or state~~
- 7 ~~veterinarian~~ considers necessary to effectuate the purposes of this
- 8 chapter.
- 9 (4) Require by rules that when livestock products and poultry
- 10 products leave official establishments, the products bear directly
- 11 on the products or on the containers, or both, as the board ~~or state~~
- 12 ~~veterinarian~~ requires, all information ~~required under section 3 of~~
- 13 ~~this chapter~~ **necessary to prevent a product from being**
- 14 **misbranded**, and ~~require approval of that~~ all labeling and
- 15 containers to be used for such products when sold or transported
- 16 in commerce **be approved by the board** to ensure that the
- 17 products comply with the requirements of this chapter.
- 18 (5) Investigate the sanitary conditions of each ~~recognized~~
- 19 establishment ~~within subdivision (1)~~ and withdraw or otherwise
- 20 refuse to provide inspection service at ~~a recognized~~ an
- 21 establishment where the sanitary conditions are such as to make
- 22 adulterated any livestock products or poultry products prepared
- 23 or handled at the ~~recognized~~ establishment.
- 24 (6) Adopt rules concerning sanitation for all ~~recognized~~
- 25 establishments, including custom slaughterers or processors,
- 26 engaged in the slaughtering of livestock or poultry or preparing
- 27 meat food products or poultry products capable of use as human
- 28 food.
- 29 (7) Require by rules that **the following** persons ~~who are engaged~~
- 30 ~~in commerce:~~ **keep records that fully and correctly disclose all**
- 31 **transactions involving meat food products and poultry**
- 32 **products:**
- 33 (A) **Persons** in the business of slaughtering livestock or
- 34 poultry or preparing, freezing, packaging, labeling, buying,
- 35 selling (as dealers, wholesalers, or otherwise), transporting, or
- 36 storing any livestock products or poultry products for human
- 37 or animal food. ~~or~~
- 38 (B) **Persons** in business as renderers or in the business of
- 39 buying, selling, or transporting dead, dying, disabled, or
- 40 diseased livestock or poultry, or parts of the carcasses of
- 41 animals, including poultry, that died otherwise than by
- 42 slaughter.

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1 keep records for times specified in the rules to fully and correctly
 2 disclose all transactions involved in the meat or poultry business.

3 The board shall require by rules that such persons afford the state
 4 veterinarian access to the places of business, an opportunity at all
 5 reasonable times to examine the facilities, inventory, and records,
 6 an opportunity to copy the records, and an opportunity to take
 7 reasonable samples of the inventory. ~~upon payment of the fair~~
 8 ~~market value for the samples.~~

9 (8) If necessary to permit interstate shipment, enter into reciprocal
 10 agreements with states adjoining Indiana ~~and the United States~~
 11 **Department of Agriculture** concerning the inspection of ~~bison,~~
 12 ~~farm raised cervidae, and ratitae.~~ **livestock, poultry, and other**
 13 **animals.**

14 SECTION 169. IC 15-2.1-24-7 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. To accomplish the
 16 objectives stated in section 1 of this chapter, the board or state
 17 veterinarian may do the following:

18 (1) Remove inspectors from ~~a recognized an~~ establishment that
 19 fails to destroy condemned products as required under ~~section~~
 20 ~~6(2)(C) of this chapter~~ **or that repeatedly violates this chapter.**

21 (2) Refuse to provide inspection service under this chapter with
 22 respect to ~~a recognized an~~ establishment for **violations of this**
 23 **chapter and** causes specified in Section 401 of the Federal Meat
 24 Inspection Act or Section 18 of the Federal Poultry Products
 25 Inspection Act.

26 (3) Order labeling and containers to be withheld from use if the
 27 ~~board or~~ state veterinarian determines that the labeling is false or
 28 misleading or that the containers are **unsafe or** of a misleading
 29 size or form.

30 (4) Adopt rules, after consultation with the Secretary of
 31 Agriculture of the United States, to prescribe the sizes and style
 32 of type to be used for labeling information required under this
 33 chapter and definitions and standards of identity or composition
 34 or standards of fill of container identical with federal standards
 35 when the board ~~or the state veterinarian~~ considers this action
 36 appropriate for the protection of the public.

37 (5) Adopt rules to prescribe conditions of storage and handling of
 38 livestock products and poultry products by persons engaged in the
 39 business of buying, selling, freezing, storing, or transporting such
 40 articles in commerce to ensure that such articles will not be
 41 adulterated or misbranded when delivered to the consumer.

42 (6) Require that equines be slaughtered and prepared in separate

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1 ~~recognized~~ establishments from where other livestock are
 2 slaughtered or the products of ~~other~~ livestock are prepared.

3 (7) Adopt rules to require that every person who is engaged in
 4 business in commerce as a dealer, a renderer, ~~an animal food~~
 5 **manufacturer of food for animals derived from livestock or**
 6 **poultry carcasses**, or a wholesaler or public warehouseman of
 7 livestock products or poultry products, or who is engaged in the
 8 business of buying, selling, or transporting in commerce dead,
 9 dying, disabled, or diseased livestock or poultry or parts of the
 10 carcasses of such animals, including poultry, that died otherwise
 11 than by slaughter shall register with the ~~state veterinarian board~~
 12 the person's name and the address of each place of business and
 13 all trade names under which the person conducts such business.

14 (8) Adopt rules adopting provisions of the regulations adopted
 15 under the federal acts with changes the board considers
 16 appropriate to make the regulations applicable to operations and
 17 transactions subject to this chapter.

18 (9) Adopt other rules the board considers necessary for the
 19 efficient execution of this chapter, including rules of practice
 20 providing opportunity for hearing in connection with issuance of
 21 rules or orders under ~~section 6(5) of this chapter or subdivision~~
 22 ~~(1), (2), or (3)~~ and prescribing procedure for proceedings in such
 23 cases as provided in IC 4-21.5 **and this article**. This subdivision
 24 and subdivision (8) do not preclude a requirement that a label or
 25 container be withheld from use or a requirement for a refusal of
 26 inspection under ~~section 6(5) of this chapter or subdivision (1) or~~
 27 ~~(3)~~ pending issuance of a final order in any such proceeding.

28 (10) Appoint and prescribe the duties of inspectors and other
 29 personnel as the state veterinarian considers necessary for the
 30 efficient execution of this chapter.

31 (11) Cooperate with the Secretary of Agriculture of the United
 32 States in administration of this chapter to effectuate the purposes
 33 ~~stated in section 1~~ of this chapter, accept federal assistance for
 34 that purpose, and spend state public funds appropriated for
 35 administration of this chapter to pay **not more than** fifty percent
 36 (50%) of the estimated total cost of the cooperative program.

37 (12) Recommend to the Secretary of Agriculture of the United
 38 States for appointment to the advisory committees provided for in
 39 the federal acts the officials or employees of the board that the
 40 board designates.

41 (13) Serve at the pleasure of the governor as the representative for
 42 consultation with the Secretary of Agriculture of the United States



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under Section 301(c) of the Federal Meat Inspection Act and Section 5(c) of the Federal Poultry Products Inspection Act.

(14) Negotiate agreements with the state or local governmental agencies providing meat inspections as necessary in the opinion of the board to further the provisions provided in this section for the proper administration of this chapter.

SECTION 170. IC 15-2.1-24-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. (a) A person may not ~~with respect to livestock, poultry, livestock products, or poultry products,~~ do the following:

(1) Slaughter livestock ~~or poultry~~ or prepare any ~~articles meat products or poultry products~~ that are capable of use as human food at a ~~recognized establishment preparing such articles solely~~ for commerce, except in compliance with this chapter.

(2) Sell, transport, offer for sale or transportation, or receive for transportation in commerce any ~~articles meat products or poultry products~~ that are:

(A) capable of use as human food and

~~(B) are adulterated or misbranded; at the time of sale, transportation, or any articles or~~

(B) required to be inspected under this chapter unless the articles have been inspected and passed.

(3) With respect to articles that are capable of use as human food, perform an act:

(A) while the articles are being transported in commerce or held for sale after transportation in commerce; and

(B) that is intended to cause or has the effect of causing the articles to be adulterated or misbranded.

(b) A person may not sell, transport, offer for sale or transportation, or receive for transportation, in commerce, or from an official establishment, slaughtered poultry from which the blood, feathers, feet, head, or viscera have not been removed in accordance with rules adopted by the board except as authorized by rule.

SECTION 171. IC 15-2.1-24-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12. (a) An inspection of products placed in a container at an official establishment is not complete until the products are sealed or enclosed in the container under the supervision of an inspector.

(b) For purposes of an inspection of products required by this chapter, inspectors authorized by the state veterinarian shall have access at reasonable times, by day or night, to every part of every ~~recognized~~ establishment required to have inspection under this

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chapter, whether or not the ~~recognized~~ establishment is operating.

SECTION 172. IC 15-2.1-24-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 13. (a) The board shall exempt the operations of a person from antemortem and postmortem inspection **and other** requirements of this chapter if any of the following conditions exist:

(1) To the extent the operations would be exempt from the corresponding requirements under the Federal Meat Inspection Act, Section 23 (21 U.S.C. 623), or the Poultry Products Inspection Act, Section 14 (21 U.S.C. 464), if the operations were conducted in or for **interstate** commerce.

(2) The state is designated under the federal acts as one in which the federal requirements apply to commerce in Indiana.

(b) When the operation of a ~~recognized~~ **an** establishment that is exempt under subsection (a) appears to be a detriment to the health and public welfare, the establishment may be brought under ~~at~~ the provisions of this chapter by executive order of the state veterinarian issued in compliance with IC 4-21.5.

(c) Livestock and poultry slaughtered in accordance with the ritual requirements of a religious faith that prescribes a method of slaughter by which the livestock or poultry suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument is a humane method under this chapter. However, livestock must be slaughtered immediately following total suspension from the floor.

(d) Except as required in an agreement between the United States Department of Agriculture and the board, a person operating under the inspection program of the federal acts, as amended, is exempt from this chapter.

SECTION 173. IC 15-2.1-24-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. (a) Except as provided in subsection (b), the board is not required to furnish meat or poultry inspection under this chapter:

- (1) for more than eight (8) hours in one (1) day;
- (2) for more than forty (40) hours in one (1) calendar week; or
- (3) on Saturdays, Sundays, or the following legal holidays:
 - (A) New Year's Day.
 - (B) Washington's Birthday.
 - (C) Memorial Day.
 - (D) Martin Luther King, Jr. Day.
 - (E) Columbus Day.
 - (F) Independence Day.



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- (G) Labor Day.
- (H) Veterans Day.
- (I) Thanksgiving Day.
- (J) Christmas.

(b) If the operator of a ~~recognized~~ **an** establishment under inspection pays to the board an hourly fee for each hour of state meat or poultry inspection furnished:

- (1) more than eight (8) hours in one (1) day;
- (2) more than forty (40) hours in one (1) calendar week; or
- (3) on Saturdays, Sundays, and legal holidays;

the board shall furnish the inspection service.

(c) Subject to the approval of the budget agency, the board shall establish an hourly rate for overtime at an amount sufficient to defray the cost of the inspection service. The ~~recognized~~ establishment shall reimburse the board not later than thirty (30) days after assessment for overtime or legal overtime fees collected under this chapter. The fees must be deposited with the treasurer of state. All overtime fees deposited with the treasurer of state are appropriated to the budget agency for allotment to the board for the administration and enforcement of this chapter.

(d) The board may assign inspection personnel to more than one (1) establishment in order to efficiently use board personnel and resources.

SECTION 174. IC 15-2.1-24-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 15. Inspection may not be provided under this chapter at a ~~recognized~~ **an** establishment for the slaughter of livestock or poultry or the preparation of livestock products or poultry products that are not intended for use as human food. However, the articles must, before being offered for sale or transportation in commerce, unless naturally inedible by humans, be denatured or otherwise identified as prescribed by rules of the board to deter use for human food.

SECTION 175. IC 15-2.1-24-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 16. (a) After passing the postmortem inspection and upon request by the owner of a bison, farm raised cervidae, or ratitae, a ~~recognized~~ **an** establishment shall immediately upon slaughter return to the owner the head, hide, horns, and hooves.

(b) The board shall conduct field antemortem inspections of bison, farm raised cervidae, and ratitae only if a means of expeditious delivery of the exsanguinated carcass to a ~~recognized~~ **an** establishment is available.



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SECTION 176. IC 15-2.1-24-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 19. (a) A person subject to this chapter that has not been approved for inspection may not offer for sale meat or poultry, a meat food product, or a poultry product in commerce in Indiana.

(b) The board may:

(1) issue an order of compliance under IC 4-21.5-3-6, IC 4-21.5-3-8, or IC 4-21.5-4;

(2) levy a civil penalty under IC 4-21.5-3-8; or

(3) do both of the actions listed in subdivisions (1) and (2); for a violation of this section.

(c) The board ~~shall~~ **may**, by rules adopted under IC 4-22-2, adopt a schedule of civil penalties that may be levied for violations of this section. A penalty included in the schedule of civil penalties may not exceed one thousand dollars (\$1,000) per violation for each day of the violation.

SECTION 177. IC 15-2.1-24-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 20. If a ~~recognized~~ **an** establishment ~~does not operate~~ **conducts operations that require an inspection for less than eight (8) hours a day, fewer than five (5) days a week, or for a period that is otherwise different from a normal Monday through Friday, eight (8) hours per day, five (5) day days per** work week, the state veterinarian shall arrange a schedule of slaughter for each ~~recognized~~ establishment so that proper and efficient antemortem and postmortem inspection of livestock or poultry is provided in each ~~recognized~~ establishment **while efficiently using inspection resources among the establishments**. The schedule must be arranged in conference with the recognized establishments involved.

SECTION 178. IC 15-2.1-24-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 21. ~~A recognized~~ **An** establishment operating under this chapter shall do the following:

(1) Provide information considered necessary by the state veterinarian to enforce this chapter.

(2) Supply samples of ingredients used in the formulation of products.

(3) Supply samples of products manufactured, processed, or prepared in the ~~recognized~~ establishment for laboratory examination or other examination required by the board to ensure that the products comply with this chapter and IC 16-42-1 through IC 16-42-4.

For purposes of this section, references in IC 16-42-1 through IC 16-42-4 to "state health commissioner" refer to the state veterinarian

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and references to "department" refer to the board.

SECTION 179. IC 15-2.1-24-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 29. (a) If a condition exists in an official establishment that may affect adversely the wholesomeness of meat, poultry, meat food products, or meat byproducts prepared or processed in the official establishment, the state veterinarian may suspend state meat or poultry inspection until the condition is remedied.

(b) After notice and hearing in compliance with IC 4-21.5, the board may revoke state meat ~~or~~ and poultry inspection from an official establishment if the person in authority at the establishment repeatedly and persistently fails to comply with this chapter and the rules adopted under this chapter.

SECTION 180. IC 15-2.1-24-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 30. (a) This section applies if, upon inspection of a ~~recognized~~ **an** establishment, the state veterinarian or board finds a condition existing that meets any of the following conditions:

(1) May affect adversely the wholesomeness of meat or poultry, meat food products, meat byproducts, or poultry products.

(2) Is in violation of this chapter or rules adopted under this chapter.

(b) The state veterinarian or board may do either of the following:

(1) Furnish evidence of the violation to the prosecuting attorney of the judicial circuit in which the violation occurs.

(2) Issue an order to the person in authority at the offending ~~recognized~~ establishment to abate the condition or violation within a period of five (5) days or other reasonable time required to abate the condition or violation. The proceedings to abate must be in accordance with IC 4-21.5.

SECTION 181. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2001]: IC 15-2.1-2-2.8; IC 15-2.1-2-3.6; IC 15-2.1-2-9; IC 15-2.1-2-19; IC 15-2.1-2-21; IC 15-2.1-2-23; IC 15-2.1-2-28.5; IC 15-2.1-2-34; IC 15-2.1-2-35; IC 15-2.1-2-38; IC 15-2.1-2-42; IC 15-2.1-2-44.7; IC 15-2.1-2-45; IC 15-2.1-2-48.5; IC 15-2.1-2-49; IC 15-2.1-2-49.5; IC 15-2.1-8-12; IC 15-2.1-15-5; IC 15-2.1-18-1; IC 15-2.1-18-2; IC 15-2.1-18-3; IC 15-2.1-18-4; IC 15-2.1-22; IC 15-2.1-24-2; IC 15-2.1-24-3.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1418, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

LYTLE, Chair

Committee Vote: yeas 12, nays 0.

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HB 1418—LS 7926/DI 69+

